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ENVIRONMENTAL GUIDANCE

FEDERAL ENVIRONMENTAL NOTIFICATION & REPORTING REQUIREMENTS HANDBOOK

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FEDERAL ENVIRONMENTAL NOTIFICATION & REPORTING REQUIREMENTS HANDBOOK

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Introduction

The *Environmental Notification and Reporting Requirements Handbook* has been developed by the DOE Headquarters Office of Environmental Policy and Assistance, RCRA/CERCLA Division (EH-413) to help DOE Field Organizations identify the various reporting and notification requirements mandated by Federal environmental laws and regulations.

The reporting requirements in the handbook include both "routine" and "non-routine" (or emergency) reporting or notification requirements. Routine reporting requirements include the submission of documents that are required either on a regular basis, such as annual or biennial reports, or periodic notifications that result from what would be considered "normal" operations, such as Material Safety Data Sheet (MSDS) updates that are required when new information not contained on previous MSDS submissions is discovered. Non-routine reporting requirements are generally associated with occurrences that represent significant deviations from regulated or planned performance. Examples include the unintentional discharge of oil or hazardous substances.

The handbook is organized by statute in the following order:

- Clean Air Act;
- Comprehensive Environmental Response, Compensation, and Liability Act;
- Clean Water Act;
- Emergency Planning and Community Right-to-Know Act;
- Federal Insecticide, Fungicide, and Rodenticide Act;
- Resource Conservation and Recovery Act;
- Safe Drinking Water Act; and
- Toxic Substances Control Act.

For each section a brief introduction to the statute and its implementing regulations is presented. Following the introductory material, the reporting requirements are presented in table format with two columns that include a description of the requirement, the citation, and the text of the regulation. The text of the regulations has been updated. In many cases supplemental background material has been included in addition to the reporting requirement. Such background material often includes definitions, applicability statements, and detailed descriptions of information to be included in the reports, notices, or certifications.

Each chapter introduction includes a flowchart to facilitate the identification of particular reporting requirements conveyed in the chapter that are relevant to a given user's facility or situation. The flowchart guides the reader to the appropriate section or part of any given table. Sections are identified with Roman numbers, while parts are identified with Arabic numbers.

In a few instances, the original CFR language has been edited for clarity. This edited text is denoted by the use of braces.

Chapter 1. The Clean Air Act

Purpose and Organization

On November 15, 1990, President Bush signed into law sweeping revisions of the *Clean Air Act* (CAA). The new law contains titles that:

- strengthen measures for attaining air quality standards (Title I),
- expand the regulation of hazardous air pollutants (Title II),
- require substantial reductions in power plant emissions for control of acid rain (Title IV),
- establish operating permits for all major sources of air pollution (Title V),
- establish provisions for stratospheric ozone protection (Title VI), and
- expand enforcement powers and penalties (Title VII).

The CAA Amendments will have far-reaching effects not only on environmental activities at DOE facilities, but also on procurement, maintenance, and motor vehicle operation activities.

National Ambient Air Quality Standards

The original 1970 CAA authorized the Environmental Protection Agency (EPA) to establish National Ambient Air Quality Standards (NAAQS) to limit levels of pollutants in the air. EPA has promulgated NAAQS for six critical pollutants: sulfur dioxide (SO_2), nitrogen dioxide (NO_2), carbon monoxide (CO), ozone, lead, and particulate matter (PM-10). All areas of the U.S. must maintain ambient levels of these pollutants below the ceilings established by the NAAQS: any area that does not meet these standards is a "nonattainment" area (NAA). The 1990 Amendments require that the boundaries of serious, severe, or extreme ozone or CO nonattainment areas located within Metropolitan Statistical Areas (MSAs) or Consolidated Metropolitan Statistical Areas (CMSAs) be expanded to include the entire MSA or CMSA unless the governor makes certain findings and the Administrator of the EPA concurs. Consequently, all urban counties included in an affected MSA or CMSA, regardless of their attainment status, will become part of the NAA.

Under previous law "major" sources were those with the potential to emit over 100 tons per year (TPY). The CAA Amendments reduced the size of plants subject to permitting and stringent retrofitting or offsetting requirements:

- In *serious* ozone NAAs major sources include those with the potential to emit over 50 TPY of volatile organic compounds (VOCs). In *severe* ozone NAAs major sources include those that emit 25 TPY or, in *extreme* areas, 10 TPY.
- For serious CO NAAs, a major source is not one that emits 50 TPY.
- For serious PM-10 NAAs, a major source is now one that emits 70 TPY.

New Source Performance Standards

The New Source Performance Standards (NSPS) set minimum nationwide emission limitations for classes of facilities. The NSPS are set at levels that reflect the degree of control achievable through the application of the best system of continuous emission reduction that has been adequately demonstrated for that category of sources. The NSPS must take into consideration the cost of achieving such emissions reductions and any non-air quality health and environmental impacts and energy requirements. The facility classes of most interest to DOE are those applicable to fossil-fuel-fired steam generators for which construction was begun after August 17, 1971 (40 CFR Part 60, Subpart D), and electric utility steam generating units for which construction was begun after September 18, 1978 (40 CFR Part 60, Subpart Da).

Hazardous Air Pollutants

The National Emissions Standards for Hazardous Air Pollutants (NESHAPs) aim to control pollutants that may reasonably be anticipated to result in either an increase in mortality or an increase in serious irreversible or incapaciting, but reversible, illness. Since 1970 EPA has

listed only eight hazardous air pollutants and has established standards for only seven of them. The 1990 Amendments directed EPA to establish technology-based standards for 189 hazardous substances based on the use of "maximum achievable control technology" (MACT). MACT emission standards for existing sources may not be less stringent than the average emission limitation achieved by the best performing 12% of existing sources in a similar source category or subcategory. (*Note:* Neither the phrase "Maximum Achievable Control Technology" or the acronym MACT appears in the 1990 CAA Amendments. EPA, however, continues to refer to the new technology based hazardous air pollutant standards as MACT.) The amendments also authorized EPA to establish a program for the prevention of accidental releases. Owners or operators of stationary sources must prepare and implement risk management plans, which include hazardous assessments and release prevention and response programs. The plans must be registered with EPA and the new Chemical Safety and Hazard Investigation Board created by the Amendments.

Acid Rain Control

Title IV of the CAA Amendments described a new market-based system that will result in a permanent 10 million ton reduction in SO_2 emissions from 1980 levels. Under this system, power plants receive "emission allowances" that will require plants to reduce their emissions or acquire allowances from others to achieve compliance. A number of provisions in Title IV pertain to clean coal technology demonstration projects sponsored by DOE.

Permits

Title V of the CAA Amendments established a federal permitting program, similar to the *Clean Water Act* permitting program, which is to be administered by the states. Title V declared that after the effective date of any approved or promulgated permit program, it will be unlawful to operate a major source, affected source, or any other source (including an area source) subject to regulation under the CAA unless the source complies with all air quality requirements and has an operating permit. Under previous federal law, construction permits were required only for new sources: existing sources were left largely unpermitted, unless the state elected to require an operating permit. The CAA Amendments eliminated the distinction between new and existing sources: all major sources are now required to have an operating permit. The new permit program will be fee-base,d and federal facilities are explicitly required to pay a fee or charge imposed by a state or local agency to defray the costs of its air pollution regulatory program. The statute sets minimum rates for such fees at $25 per ton of each regulated pollutant, up to 4,000 TPY. The EPA Administrator may set other amounts to adequately reflect reasonable costs of the permit program.

The following sources must have a permit to operate.

- ☐ major Hazardous Air Pollutant (HAP) sources,
- ☐ major sources under NAAQS,
- ☐ all affected sources under Title IV, and
- ☐ all sources subject to NSPS.

Provisions Relating to Enforcement

On July 21, 1992, EPA promulgated a rule (57 *FR* 32250) that defined the minimum elements of a state operating permit program. This rule applies directly to the states, but ultimately to sources.

Provisions Relating to Enforcement

The CAA Amendments allow the Administrator to impose administrative penalties of up to $25,000/day for the violation of any requirement, prohibition, permit, rule, or order (up to a maximum penalty of $200,000 in most instances). Also, government officials investigating a facility can, while on site, in effect write tickets imposing penalties of up to $5,000/day for each violation. Citizens also can seek civil penalties in citizen's suits.

In addition, the CAA Amendments create new criminal sanctions for negligent (as opposed to "knowing") violations and establish administrative penalty mechanisms to complement the traditional civil (i.e., judicial) enforcement program. Fines and prison sentences can now be imposed upon any person who negligently releases any hazardous air pollutant covered under the NESHAPs or included on the Superfund list of extremely hazardous substances but not listed under the NESHAPs. Sanctions to enforce violations include fines for individuals of up to $250,000 and imprisonment up to five years, with each day counting as a separate violation. Fines for corporations may be up to $500,000 for each violation. Fines for knowing endangerment can

climb to $1 million per day for businesses and up to $250,000 per day and 15 years imprisonment.

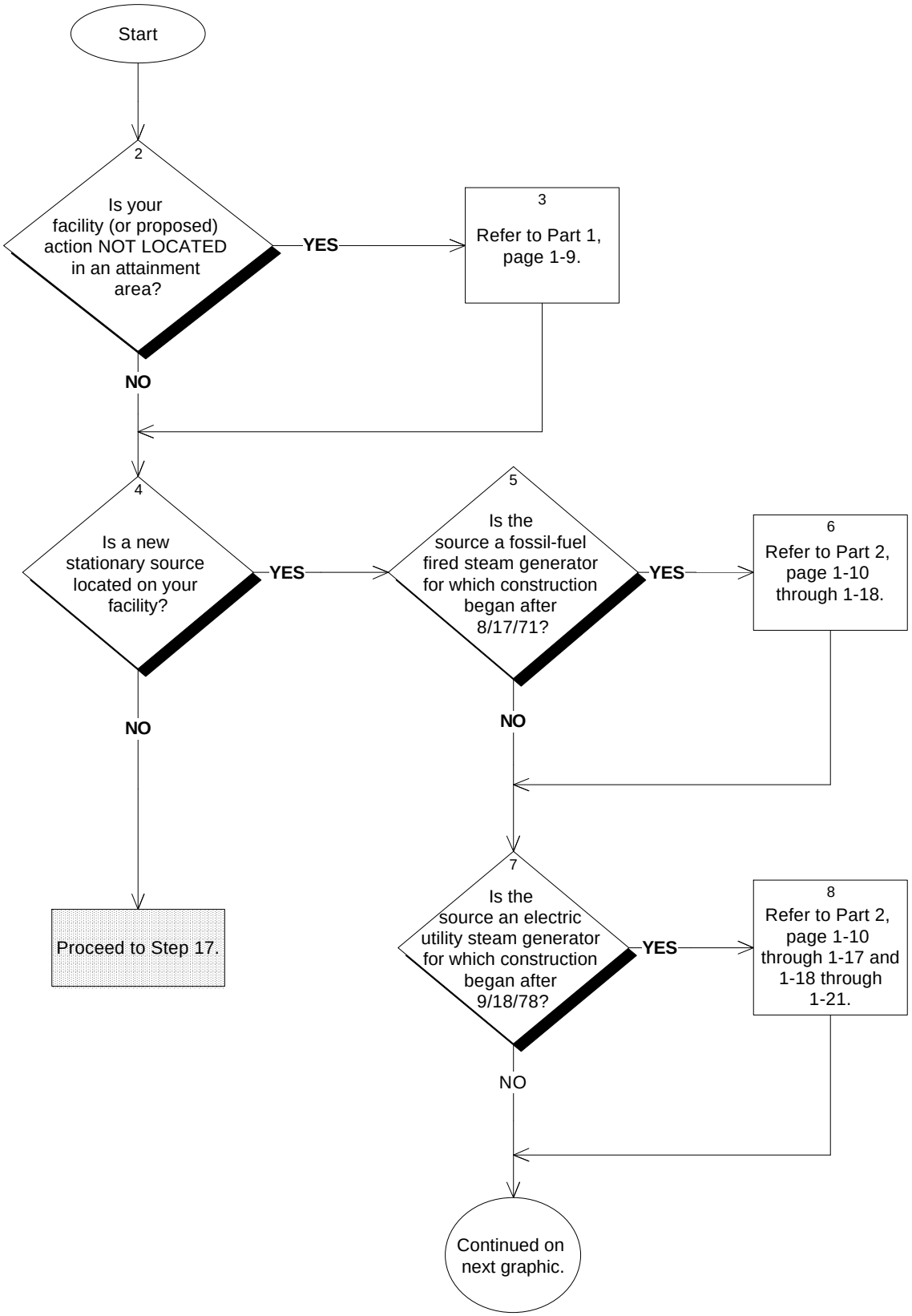
Notification and Reporting Requirements

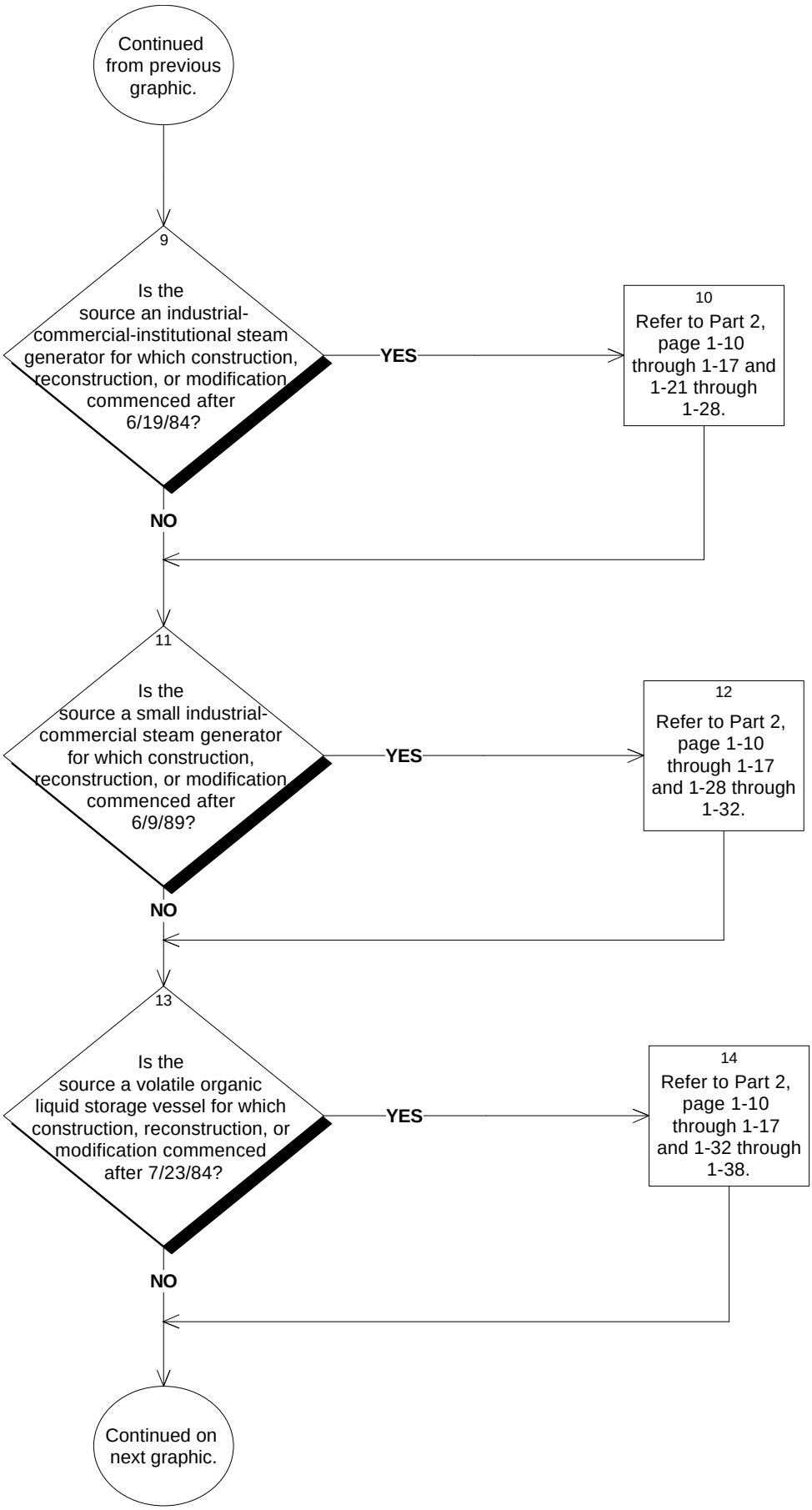
Reporting requirements under the CAA include the following:

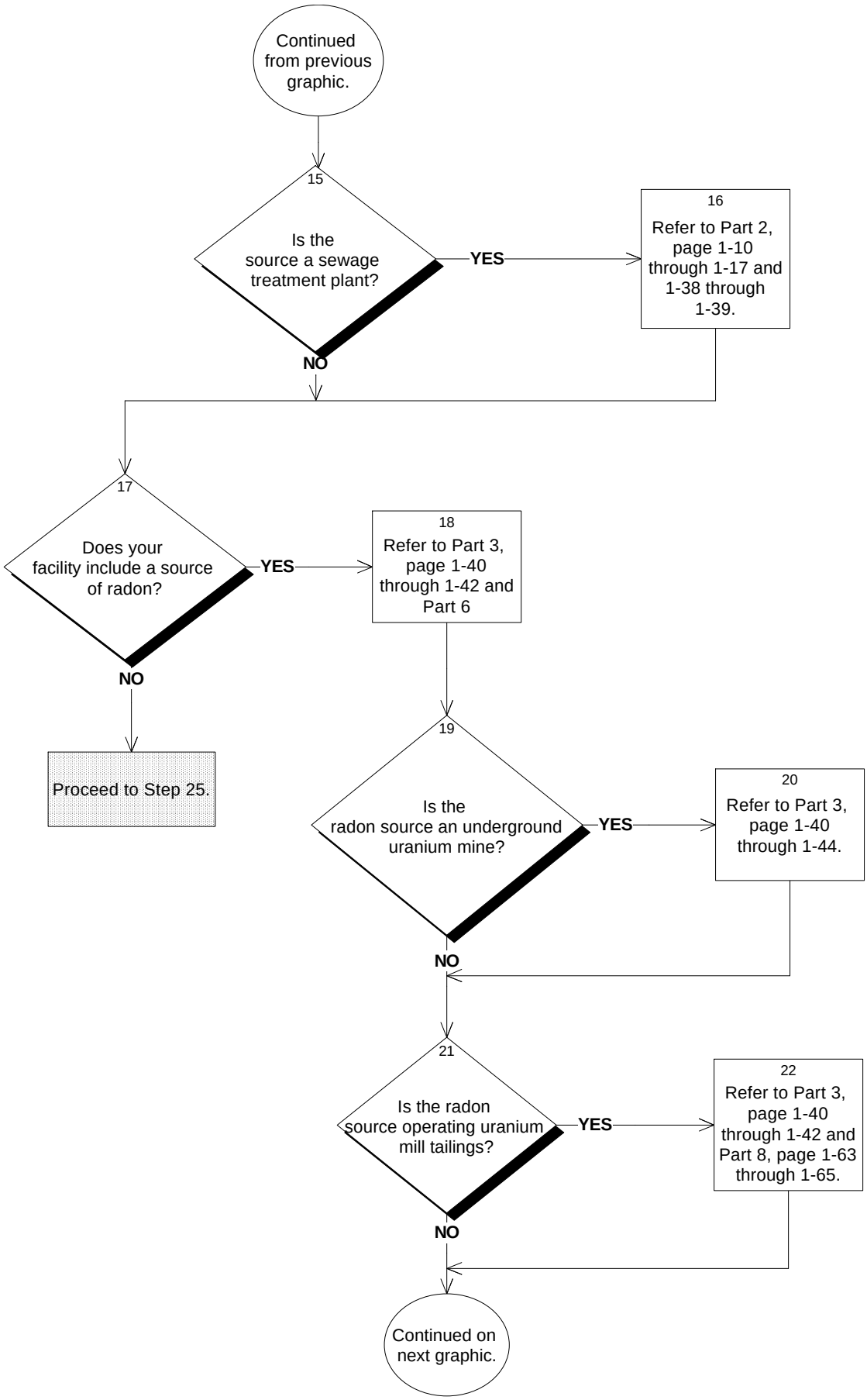
- reporting by owners and operators of new stationary sources or changes to existing stationary sources subject to the NAAQS;
- reporting by owners or operators of existing or new sources subject to NESHAPs; and
- NESHAPs compliance reporting by owners or operators of:
  - underground uranium mines,
  - DOE facilities releasing radionuclides other than radon,
  - DOE facilities releasing radon, and
  - facilities with fugitive emission sources of hazardous air pollutants from equipment leaks.

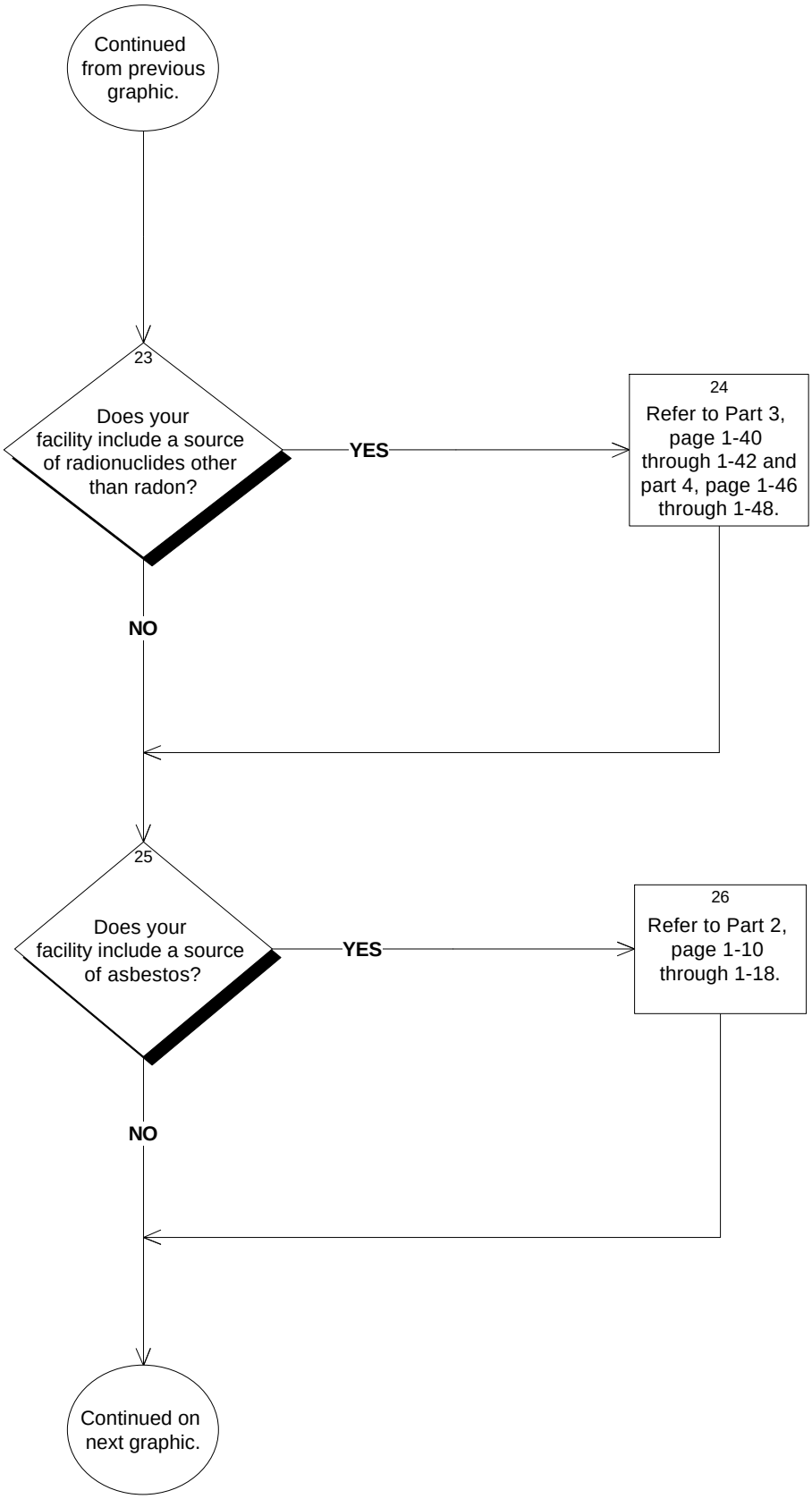
Figure 1 guides the user to the various CAA reporting requirements conveyed in this chapter that are relevant to a DOE facility or situation.

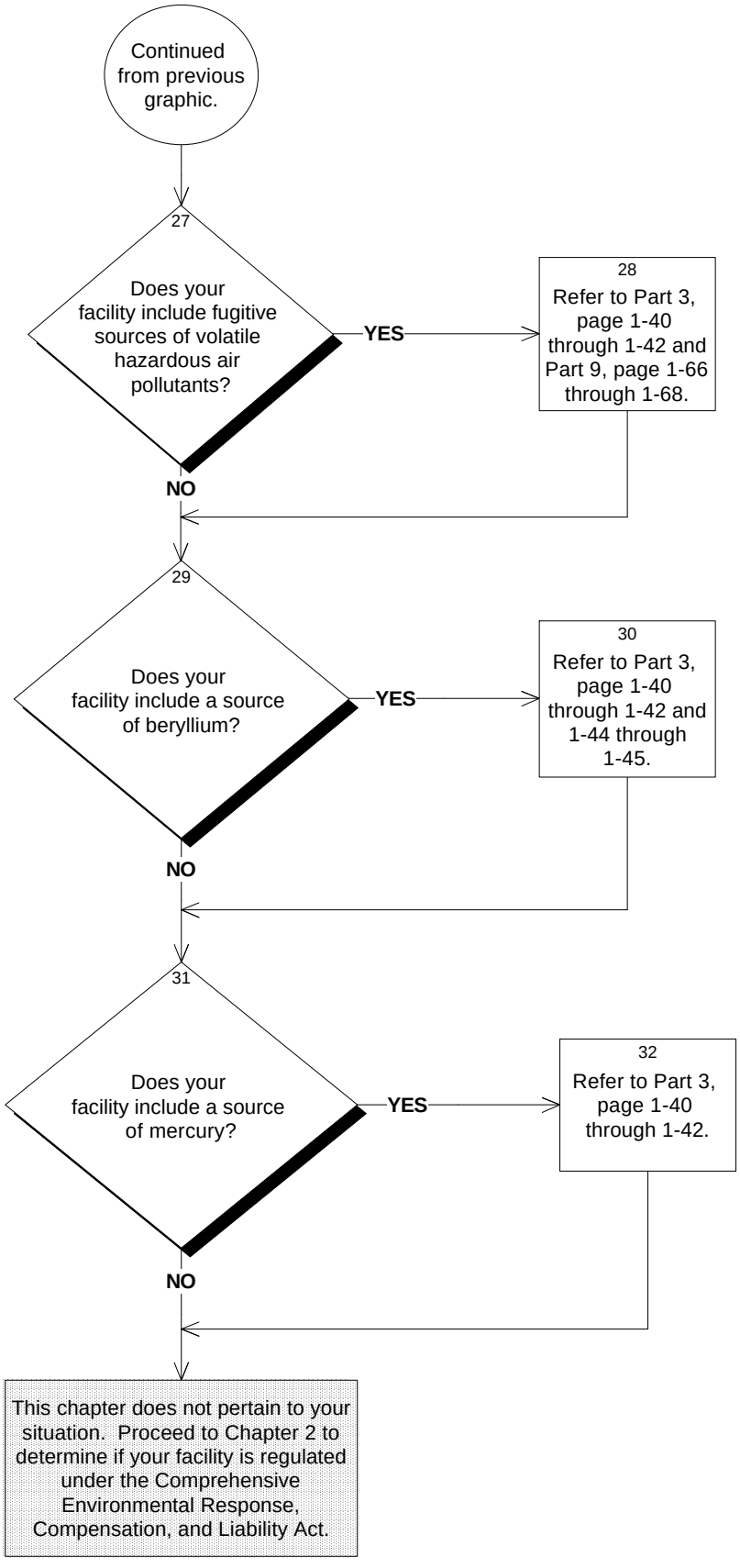
Figure 1: Clean Air Act




Continued from previous graphic.
9
Is the source an industrial-commercial-institutional steam generator for which construction, reconstruction, or modification commenced after 6/19/84?
YES
10
Refer to Part 2, page 1-10 through 1-17 and 1-21 through 1-28.
NO
11
Is the source a small industrial-commercial steam generator for which construction, reconstruction, or modification commenced after 6/9/89?
YES
12
Refer to Part 2, page 1-10 through 1-17 and 1-28 through 1-32.
NO
13
Is the source a volatile organic liquid storage vessel for which construction, reconstruction, or modification commenced after 7/23/84?
YES
14
Refer to Part 2, page 1-10 through 1-17 and 1-32 through 1-38.
NO
Continued on next graphic.


Continued from previous graphic.
15
Is the source a sewage treatment plant?
YES
16
Refer to Part 2, page 1-10 through 1-17 and 1-38 through 1-39.
NO
17
Does your facility include a source of radon?
YES
18
Refer to Part 3, page 1-40 through 1-42 and Part 6
NO
Proceed to Step 25.
19
Is the radon source an underground uranium mine?
YES
20
Refer to Part 3, page 1-40 through 1-44.
NO
21
Is the radon source operating uranium mill tailings?
YES
22
Refer to Part 3, page 1-40 through 1-42 and Part 8, page 1-63 through 1-65.
NO
Continued on next graphic.


Continued from previous graphic.
23
Does your facility include a source of radionuclides other than radon?
YES
24
Refer to Part 3, page 1-40 through 1-42 and part 4, page 1-46 through 1-48.
NO
25
Does your facility include a source of asbestos?
YES
26
Refer to Part 2, page 1-10 through 1-18.
NO
Continued on next graphic.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27
Does your facility include fugitive sources of volatile hazardous air pollutants?
YES
28
Refer to Part 3, page 1-40 through 1-42 and Part 9, page 1-66 through 1-68.
NO
29
Does your facility include a source of beryllium?
YES
30
Refer to Part 3, page 1-40 through 1-42 and 1-44 through 1-45.
NO
31
Does your facility include a source of mercury?
YES
32
Refer to Part 3, page 1-40 through 1-42.
NO
This chapter does not pertain to your situation. Proceed to Chapter 2 to determine if your facility is regulated under the Comprehensive Environmental Response, Compensation, and Liability Act.

Table 1
Clean Air Act

Part 1. Requirements for Preparation, Adoption, and Submittal of Implementation Plans

Authorizations
Clean Air Act, Section 110

References
40 CFR 51.853

Applicability

(h) In addition to meeting the criteria for establishing exemptions set forth in paragraphs (g)(1) or (g)(2) of this section, the following procedures must also be complied with to presume that activities will conform {with the applicable State Implementation Plan}:

(1) The Federal agency must identify through publication in the Federal Register its list of proposed activities that are presumed to conform and the basis for the presumptions.

(2) The Federal agency must notify the appropriate EPA Regional Office(s), State and local air quality agencies and, where applicable, the agency designated under Section 174 of the Clean Air Act (CAA) and the Metropolitan Planning Organization (MPO), and provide at least 30 days for the public to comment on the list of proposed activities presumed to conform.

References
40 CFR 51.855

Reporting Requirements

(a) A Federal agency making a conformity determination under 40 CFR 51.858 must provide to the appropriate EPA Regional Office(s), State and local air quality agencies and, where applicable, affected Federal land managers, the agency designated under Section 174 of the CAA, and the MPO a 30-day notice which describes the proposed action and the Federal agency's draft conformity determination on the action.

(b) A Federal agency must notify the appropriate EPA Regional Office(s), State and local air quality agencies and, where applicable, affected Federal land managers, the agency designated under Section 174 of the CAA, and the MPO within 30 days after making a final conformity determination under 40 CFR 51.858.

Table 1
Clean Air Act

Part 2. Standards of Performance for New Stationary Sources

Authorizations
Clean Air Act, Section 111

References
40 CFR 60.7

General Provisions - Notification and Recordkeeping

(a) Any owner or operator subject to the provisions of 40 CFR Part 60 shall furnish the Administrator written notification as follows:

(1) A notification of the date construction (or reconstruction as defined under 40 CFR 60.15, see Section D, Reconstruction) of an affected facility is commenced postmarked no later than 30 days after such date. This requirement shall not apply in the case of mass-produced facilities which are purchased in completed form.

(2) A notification of the anticipated date of initial startup of an affected facility postmarked not more than 60 days nor less than 30 days prior to such date.

(3) A notification of the actual date of initial startup of an affected facility postmarked within 15 days after such date.

(4) A notification of any physical or operational change to an existing facility which may increase the emission rate of any air pollutant to which a standard applies, unless that change is specifically exempted under an applicable subpart or in 40 CFR 60.1 4(e). This notice shall be postmarked 60 days or as soon as practicable before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productive capacity of the facility before and after the change, and the expected completion date of the change.

(5) A notification of the date upon which demonstration of the continuous monitoring system performance commences in accordance with 40 CFR 60.1 3(c). Notification shall be postmarked not less than 30 days prior to such date.

(6) A notification of the anticipated date for conducting the opacity observations required by 40 CFR 60.11(e)(1). The notification shall also include, if appropriate, a request for the Administrator to provide a visible emissions reader during a performance test. The notification shall be postmarked not less than 30 days prior to such date.

(7) A notification that continuous opacity monitoring system data results will be used to determine compliance with the applicable opacity standard during a performance test required by 40 CFR 60.8 in lieu of Method 9 observation data as allowed by 40 CFR 60.11(e)(5). This notification shall be postmarked not less than 30 days prior to the date of the performance test.

References
40 CFR 60.7 (con't.)

(b) Any owner or operator subject to the provisions of this part shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative.

(c) Each owner or operator required to install a continuous monitoring system (CMS) or monitoring device shall submit an excess emissions and monitoring systems performance report (excess emissions are defined in applicable subparts) and/or a summary report form (see paragraph (d) of this section) to the Administrator semiannually, except when: more frequent reporting is required by an applicable subpart; or the CMS data are to be used directly for compliance determination, in which case quarterly reports shall be submitted; or the Administrator, on a case-by-case basis, determines that more frequent reporting is necessary to assess the compliance status of the source. All reports shall be postmarked by the 30th day following the end of each calendar half (or quarter as appropriate). Written reports of excess emissions shall include the following information:

(1) The magnitude of excess emissions computed in accordance with 40 CFR 60.13(h), any conversion factor(s) used, and the date and time of commencement and completion of each time period of excess emissions. The process operating time during the reporting period.

☞ 40 CFR 60.13(h)
Owners or operators of all continuous monitoring systems (CMSs) for measurement of opacity shall reduce all data to 6-minute averages and for continuous monitoring systems other than opacity to 1-hour averages. Six minute opacity averages shall be calculated from 36 or more data points equally spaced over each 6-minute period. For continuous monitoring systems other than opacity, 1-hour averages shall be computed from four or more data points equally spaced over each 1-hour period. Data recorded during periods of continuous monitoring system breakdowns, repairs, calibration checks, and zero and span adjustments shall not be included in the data averages computed under this paragraph. An arithmetic or integrated average of all data may be used. The data may be recorded in reduced or nonreduced form (e.g., ppm pollutant and percent O2 or ng/J of pollutant). All excess emissions shall be converted into units of the standard using the applicable conversion procedures specified in subparts.

(2) Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the affected facility, the nature and cause of any malfunction (if known), the corrective action taken or preventative measures adopted.

References 40 CFR 60.7 (con't.)	(3) The date and time identifying each period during which the continuous monitoring system (CMS) was inoperative except for zero and span checks and the nature of the system repairs or adjustments. (4) When no excess emissions have occurred or the continuous monitoring system(s)have not been inoperative, repaired, or adjusted, such information shall be stated in the report. (d) The summary report shall contain the information and be in the format shown in Figure 1 {of 40 CFR 60.7(d)} unless otherwise specified by the Administrator. One summary report form shall be submitted for each pollutant monitored at each affected facility. (1) If the total duration of excess emissions for the reporting period is less than 1 percent of the total operating time for the reporting period and CMS downtime for the reporting period is less than 5 percent of the total operating time for the reporting period, only the summary report form shall be submitted and the excess emissions report described in 40 CFR 60.7(c) need not be submitted unless requested by the Administrator. (2) If the total duration of excess emissions for the reporting period is 1 percent or greater of the total operating time for the reporting period or the total CMS downtime for the reporting period is 5 percent or greater of the total operating time for the reporting period, the summary report form and the excess emissions report described in 40 CFR 60.7(c) shall both be submitted.
References 40 CFR 60.11	**General Provisions - Compliance with Standards and Maintenance Requirements** (d) At all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source. (e) (1) For the purpose of demonstrating initial compliance, opacity observations shall be conducted concurrently with the initial performance test required in 40 CFR 60.8 unless one of the following conditions apply. If no performance test under 40 CFR 60.8 is required, then opacity observations shall be conducted within 60 days after achieving the

References 40 CFR 60.11 (con't.)	maximum production rate at which the affected facility will be operated but no later than 180 days after initial startup of the facility. If visibility or other conditions prevent the opacity observations from being conducted concurrently with the initial performance test required under 40 CFR 60.8, the source owner or operator shall reschedule the opacity observations as soon after the initial performance test as possible, but not later than 30 days thereafter, and shall advise the Administrator of the rescheduled date. In these cases, the 30-day prior notification to the Administrator required in 40 CFR 60.7(a)(6) shall be waived. The rescheduled opacity observations shall be conducted (to the extent possible) under the same operating conditions that existed during the initial performance test conducted under 40 CFR 60.8. The visible emissions observer shall determine whether visibility or other conditions prevent the opacity observations from being made concurrently with the initial performance test in accordance with procedures contained in Reference Method 9 of Appendix B, 40 CFR Part 60. Opacity readings of portions of plumes which contain condensed, uncombined water vapor shall not be used for purposes of determining compliance with opacity standards. The owner or operator of an affected facility shall make available, upon request by the Administrator, such records as may be necessary to determine the conditions under which the visual observations were made and shall provide evidence indicating proof of current visible observer emission certification. Except as provided in paragraph (e)(5) of this section, the results of continuous monitoring by transmissometer which indicate that the opacity at the time visual observations were made was not in excess of the standard are probative but not conclusive evidence of the actual opacity of an emission, provided that the source shall meet the burden of proving that the instrument used meets (at the time of the alleged violation) Performance Specification I in Appendix B of 40 CFR Part 60, has been properly maintained, and (at the time of the alleged violation) that the resulting data have not been altered in any way. (2) Except as provided in paragraph (e)(3) of this section, the owner or operator of an affected facility to which an opacity standard in this part applies shall conduct opacity observations in accordance with paragraph (b) of 40 CFR 60.11, shall record the opacity of emissions, and shall report to the Administrator the opacity results along with the results of the initial performance test required under 40 CFR 60.8. The inability of an owner or operator to secure a visible emissions observer shall not be considered a reason for not conducting the opacity observations concurrent with the initial performance test. (3) The owner or operator of an affected facility to which an opacity standard in this part applies may request the Administrator to determine and to record the opacity of emissions from the affected facility during the initial performance test and at such times as may be required. The owner or operator of the affected facility shall report the opacity results. Any request to the Administrator to determine and to record the opacity of emissions from an

References 40 CFR 60.11 (con't.)	affected facility shall be included in the notification required in 40 CFR 60.7(a)(6). If, for some reason, the Administrator cannot determine and record the opacity of emissions from the affected facility during the performance test, then the provisions of paragraph (e)(1) of this section shall apply. (4) An owner or operator of an affected facility using a continuous opacity monitor (transmissometer) shall record the monitoring data produced during the initial performance test required by 40 CFR 60.8 and shall furnish the Administrator a written report of the monitoring results along with Method 9 and 40 CFR 60.8 performance test results. (5) An owner or operator of an affected facility subject to an opacity standard may submit, for compliance purposes, continuous opacity monitoring system (COMS) data produced during any performance test required under 40 CFR 60.8 in lieu of Method 9 observation data. If an owner or operator elects to submit COMS data for compliance with the opacity standard, he shall notify the Administrator of that decision, in writing, at least 30 days before any performance test required under 40 CFR 60.8 is conducted. Once the owner or operator of an affected facility has notified the Administrator to that effect, the COMS data results will be used to determine opacity compliance during subsequent tests required under 40 CFR 60.8 until the owner or operator notifies the Administrator, in writing, to the contrary. For the purpose of determining compliance with the opacity standard during a performance test required under 40 CFR 60.8 using COMS data, the minimum total time of COMS data collection shall be averages of all 6-minute continuous periods within the duration of the mass emission performance test. Results of the COMS opacity determinations shall be submitted along with the results of the performance test required under 40 CFR 60.8. The owner or operator of an affected facility using a COMS for compliance purposes is responsible for demonstrating that the COMS meets the requirements specified in 40 CFR 60.1 3(c) of this part, that the COMS has been properly maintained and operated, and that the resulting data have not been altered in any way. If COMS data are submitted for compliance with the opacity standard for a period of time during which Method 9 data indicates noncompliance, the Method 9 data will be used to determine opacity compliance.
References 40 CFR 60.13	**General Provisions - Monitoring Requirements** (c) If the owner or operator of an affected facility elects to submit continuous opacity monitoring system (COMS) data for compliance with the opacity standard as provided under 40 CFR 60.11(e)(5), he shall conduct a performance evaluation of the COMS as specified in Performance Specification I, Appendix B, of 40 CFR Part 60 before the performance test required under 40 CFR 60.8 is conducted. Otherwise, the owner or operator of an affected facility shall conduct a

References	
40 CFR 60.13 (con't.)	performance evaluation of the COMS or continuous emission monitoring system (CEMS) during any performance test required under 40 CFR 60.8 or within 30 days thereafter in accordance with the applicable performance specification in Appendix B of 40 CFR Part 60. The owner or operator of an affected facility shall conduct COMS or CEMS performance evaluations at such other times as may be required by the Administrator under Section 114 of the Act. (1) The owner or operator of an affected facility using a COMS to determine opacity compliance during any performance test required under 40 CFR 60.8 and as described in 40 CFR 60.11(e)(5) shall furnish the Administrator two or, upon request, more copies of a written report of the results of the COMS performance evaluation described in paragraph (c) of this section at least 10 days before the performance test required under 40 CFR 60.8 is conducted. (2) Except as provided in paragraph (c)(1) of this section, the owner or operator of an affected facility shall furnish the Administrator within 60 days of completion two or, upon request, more copies of a written report of the results of the performance evaluation. (g) When the effluents from a single affected facility or two or more affected facilities subject to the same emission standards are combined before being released to the atmosphere, the owner or operator may install applicable continuous monitoring systems on each effluent or on the combined effluent. When the affected facilities are not subject to the same emission standards, separate continuous monitoring systems shall be installed on each effluent. When the effluent from one affected facility is released to the atmosphere through more than one point, the owner or operator shall install an applicable continuous monitoring system on each separate effluent unless the installation of fewer systems is approved by the Administrator. When more than one continuous monitoring system is used to measure the emissions from one affected facility (e.g., multiple breechings, multiple outlets), the owner or operator shall report the results as required from each continuous monitoring system. (j) An alternative to the relative accuracy test specified in Performance Specification 2 of Appendix B may be requested as follows: (1) An alternative to the reference method tests for determining relative accuracy is available for sources with emission rates demonstrated to be less than 50 percent of the applicable standard. A source owner or operator may petition the Administrator to waive the relative accuracy test in Section 7 of Performance Specification 2 and substitute the procedures in Section 10 if the results of a performance test conducted according to the requirements in 40 CFR

References 40 CFR 60.13 (con't.)	60.8 of this subpart or other tests performed following the criteria in 40 CFR 60.8 demonstrate that the emission rate of the pollutant of interest in the units of the applicable standard is less than 50 percent of the applicable standard. For sources subject to standards expressed as control efficiency levels, a source owner or operator may petition the Administrator to waive the relative accuracy test and substitute the procedures in Section 10 of Performance Specification 2 if the control device exhaust emission rate is less than 50 percent of the level needed to meet the control efficiency requirement. The alternative procedures do not apply if the continuous emission monitoring system is used to determine compliance continuously with the applicable standard. The petition to waive the relative accuracy test shall include a detailed description of the procedures to be applied. Included shall be location and procedure for conducting the alternative, the concentration or response levels of the alternative {relative accuracy} (RA) materials, and the other equipment checks included in the alternative procedure. The Administrator will review the petition for completeness and applicability. The determination to grant a waiver will depend on the intended use of the continuous emission monitoring system (CEMS) data (e.g., data collection purposes other than a New Source Performance Standard (NSPS)) and may require specifications more stringent than in Performance Specification 2 (e.g., the applicable emission limit is more stringent than NSPS). (2) The waiver of a CEMS relative accuracy test will be reviewed and may be rescinded at such time following successful completion of the alternative RA procedure that the CEMS data indicate the source emissions {are} approaching the level of the applicable standard. The criterion for reviewing the waiver is the collection of CEMS data showing that emissions have exceeded 70 percent of the applicable standard for seven consecutive averaging periods as specified by the applicable regulation(s). For sources subject to standards expressed as control efficiency levels, the criterion for reviewing the waiver is the collection of CEMS data showing that exhaust emissions have exceeded 70 percent of the level needed to meet the control efficiency requirement for seven consecutive averaging periods as specified by the applicable regulation(s) [e.g., 40 CFR 60.45(g)(2) and (3), 40 CFR 60.73(e), and 40 CFR 60.84(e)]. It is the responsibility of the source operator to maintain records and determine the level of emissions relative to the criterion on the waiver of relative accuracy testing. If this criterion is exceeded, the owner or operator must notify the Administrator within 10 days of such occurrence and include a description of the nature and cause of the increasing emissions. The Administrator will review the notification and may rescind the waiver and require the owner or operator to conduct a relative accuracy test of the CEMS as specified in Section 7 of Performance Specification 2.

Table 1
Clean Air Act

Part 2. Standards of Performance for New Stationary Sources (con't.)

References
40 CFR 60.15

General Provisions - Reconstruction

(d) If an owner or operator of an existing facility proposes to replace components, and the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable entirely new facility, he shall notify the Administrator of the proposed replacements. The notice must be postmarked 60 days (or as soon as practicable) before construction of the replacements is commenced and must include the following information:

(1) Name and address of the owner or operator.

(2) The location of the existing facility.

(3) A brief description of the existing facility and the components which are to be replaced.

(4) A description of the existing air pollution control equipment and the proposed air pollution control equipment.

(5) An estimate of the fixed capital cost of the replacements and of constructing a comparable entirely new facility.

(6) The estimated life of the existing facility after the replacements.

(7) A discussion of any economic or technical limitations the facility may have in complying with the applicable standards of performance after the proposed replacements.

References
40 CFR 60.45

For Fossil Fuel Fired Steam Generators for Which Construction Commenced After August 17, 1971 - Emission and Fuel Monitoring

(g) Excess emission and monitoring system performance (MSP) reports shall be submitted to the Administrator for every calendar quarter. All quarterly reports shall be postmarked by the 30th day following the end of each calendar quarter. Each excess emission and MSP report shall include the information required in 40 CFR 60.7(c). Periods of excess emissions and monitoring system downtime that shall be reported are defined as follows:

Part 2. Standards of Performance for New Stationary Sources (con't.)

References
40 CFR 60.45 (con't.)

(1) Opacity. Excess emissions are defined as any six-minute period during which the average opacity of emissions exceeds 20 percent opacity, except that one six-minute average per hour of up to 27 percent opacity need not be reported.

(2) Sulfur dioxide. Excess emissions for affected facilities are defined as:

(i) Any three-hour period during which the average emissions (arithmetic average of three contiguous one-hour periods) of sulfur dioxide as measured by a continuous monitoring system exceed the applicable standard under 40 CFR 60.43.

(3) Nitrogen oxides. Excess emissions for affected facilities using a continuous monitoring system for measuring nitrogen oxides are defined as any three-hour period during which the average emissions (arithmetic average of three contiguous one-hour periods) exceed the applicable standards under 40 CFR 60.44.

References
40 CFR 60.49a

For Electric Utility Steam Generating Units for Which Construction Commenced After September 18, 1978 - Reporting Requirements

(a) For sulfur dioxide, nitrogen oxides, and particulate matter emissions, the performance test data from the initial performance test and from the performance evaluation of the continuous monitors (including the transmissometer) are submitted to the Administrator.

(b) For sulfur dioxide and nitrogen oxides the following information is reported to the Administrator for each 24-hour period.

(1) Calendar date.

(2) The average sulfur dioxide and nitrogen oxide emission rates (ng/J or lb/million Btu) for each 30 successive boiler operating days, ending with the last 30-day period in the quarter; reasons for non-compliance with the emission standards; and description of corrective actions taken.

(3) Percent reduction of the potential combustion concentration of sulfur dioxide for each 30 successive boiler operating days, ending with the last 30-day period in the quarter; reasons for non-compliance with the standard; and description of corrective actions taken.

References
40 CFR 60.49a (con't.)

(4) Identification of the boiler operating days for which pollutant or diluent data have not been obtained by an approved method for at least 18 hours of operation of the facility; justification for not obtaining sufficient data; and description of corrective actions taken.

(5) Identification of the times when emissions data have been excluded from the calculation of average emission rates because of startup, shutdown, malfunction (NO_x only), emergency conditions (SO_2 only), or other reasons, and justification for excluding data for reasons other than startup, shutdown, malfunction, or emergency conditions.

(6) Identification of "F" factor used for calculations, method of determination, and type of fuel combusted.

(7) Identification of times when hourly averages have been obtained based on manual sampling methods.

(8) Identification of the times when the pollutant concentration exceeded full span of the continuous monitoring system.

(9) Description of any modifications to the continuous monitoring system which could affect the ability of the continuous monitoring system to comply with Performance Specifications 2 or 3.

(c) If the minimum quantity of emission data as required by 40 CFR 60.47a is not obtained for any 30 successive boiler operating days, the following information obtained under the requirements of 40 CFR 60.46a(h) is reported to the Administrator for that 30-day period:

(1) The number of hourly averages available for outlet emission rates (no) and inlet emission rates (ni) as applicable.

(2) The standard deviation of hourly averages for outlet emission rates (so) and inlet emission rates as applicable.

(3) The lower confidence limit for the mean outlet emission rate (Eo*) and the upper confidence limit for the mean inlet emission rate (Ei*) as applicable.

(4) The applicable potential combustion concentration.

(5) The ratio of the upper confidence limit for the mean outlet emission rate (Eo*) and the allowable emission rate (Estd) as applicable.

Table 1
Clean Air Act

Part 2. Standards of Performance for New Stationary Sources (con't.)

References
40 CFR 60.49a (con't.)

(d) If any standards under 40 CFR 60.43a are exceeded during emergency conditions because of control system malfunction, the owner or operator of the affected facility shall submit a signed statement:

(1) Indicating if emergency conditions existed and requirements under 40 CFR 60.46a(d) were met during each period, and

(2) Listing the following information:

(i) Time periods the emergency condition existed;

(ii) Electrical output and demand on the owner or operator's electric utility system and the affected facility;

(iii) Amount of power purchased from interconnected neighboring utility companies during the emergency period;

(iv) Percent reduction in emissions achieved;

(v) Atmospheric emission rate (ng/J) of the pollutant discharged; and

(vi) Actions taken to correct control system malfunction.

(e) If fuel pretreatment credit toward the sulfur dioxide emission standard under 40 CFR 60.43a is claimed, the owner or operator of the affected facility shall submit a signed statement:

(1) Indicating what percentage cleaning credit was taken for the calendar quarter, and whether the credit was determined in accordance with the provisions of 40 CFR 60.48a and Method 19 (Appendix A); and

(2) Listing the quantity, heat content, and date each pretreated fuel shipment was received during the previous quarter; the name and location of the fuel pretreatment facility; and the total quantity and total heat content of all fuels received at the affected facility during the previous quarter.

Table 1
Clean Air Act

Part 2. Standards of Performance for New Stationary Sources (con't.)

References
40 CFR 60.49a (con't.)

(f) For any periods for which opacity, sulfur dioxide or nitrogen oxides emissions data are not available, the owner or operator of the affected facility shall submit a signed statement indicating if any changes were made in operation of the emission control system during the period of data unavailability. Operations of the control system and affected facility during periods of data unavailability are to be compared with operation of the control system and affected facility before and following the period of data unavailability.

(g) The owner or operator of the affected facility shall submit a signed statement indicating whether:

(1) The required continuous monitoring system calibration, span, and drift checks or other periodic audits have or have not been performed as specified,

(2) The data used to show compliance was or was not obtained in accordance with approved methods and procedures of this part and is representative of plant performance,

(3) The minimum data requirements have or have not been met, or the minimum data requirements have not been met for errors that were unavoidable, {and}

(4) Compliance with the standards has or has not been achieved during the reporting period.

(h) For the purposes of the reports required under 40 CFR 60.7, periods of excess emissions are defined as all 6-minute periods during which the average opacity exceeds the applicable opacity standards under 40 CFR 60.42a(b). Opacity levels in excess of the applicable opacity standard and the date of such excesses are to be submitted to the Administrator each calendar quarter.

References
40 CFR 60.40b

For Industrial-Commercial-Institutional Steam Generating Units for Which Construction, Modification, or Reconstruction Commenced After June 19, 1984 - Applicability and Delegation of Authority

(a) The affected facility to which this subpart applies is each steam generating unit that has a heat input capacity from fuels combusted in the steam generating unit of greater than 29 MW (100 million Btu/hour).

Table 1
Clean Air Act

Part 2. Standards of Performance for New Stationary Sources (con't.)

References
40 CFR 60.49b

For Industrial-Commercial-Institutional Steam Generating Units for Which Construction, Modification, or Reconstruction Commenced After June 19, 1984 - Reporting and Recordkeeping Requirements

(a) The owner or operator of each affected facility shall submit notification of the date of initial startup, as provided by 40 CFR 60.7. This notification shall include:

(1) The design heat input capacity of the affected facility and identification of the fuels to be combusted in the affected facility,

(2) If applicable, a copy of any Federally enforceable requirement that limits the annual capacity factor for any fuel or mixture of fuels under 40 CFR 60.42b(d)(1), 60.43b(a)(2), (a)(3)(iii), (c)(2)(ii), (d)(2)(iii), 60.44b(c), (d), (e), (i), (j), (k), 60.45b(d), (g), 60.46b(h), or 60.48b(i),

(3) The annual capacity factor at which the owner or operator anticipates operating the facility based on all fuels fired and based on each individual fuel fired, and

(4) Notification that an emerging technology will be used for controlling emissions of sulfur dioxide. The Administrator will examine the description of the emerging technology and will determine whether the technology qualifies as an emerging technology. In making this determination, the Administrator may require the owner or operator of the affected facility to submit additional information concerning the control device. The affected facility is subject to the provisions of 40 CFR 60.42b(a) unless and until this determination is made by the Administrator.

(b) The owner or operator of each affected facility subject to the sulfur dioxide, particulate matter, and/or nitrogen oxides emission limits under 40 CFR 60.42b, 60.43b, and 60.44b shall submit to the Administrator the performance test data from the initial performance test and the performance evaluation of the CEMS using the applicable performance specifications in Appendix B. The owner or operator of each affected facility described in 40 CFR 60.44b(j) or 40 CFR 60.44b(k) shall submit to the Administrator the maximum heat input capacity data from the demonstration of the maximum heat input capacity of the affected facility.

(c) The owner or operator of each affected facility subject to the nitrogen oxides standard of 40 CFR 60.44b who seeks to demonstrate compliance with those standards through the monitoring of steam generating unit operating conditions under the provisions of 40 CFR 60.48b(g)(2) shall submit to the Administrator for approval a plan that identifies the operating

References
40 CFR 60.49b (con't.)

conditions to be monitored under 40 CFR 60.48b(g)(2) and the records to be maintained under 40 CFR 60.49b(j). This plan shall be submitted to the Administrator for approval within 360 days of the initial startup of the affected facility.

(1) The plan shall identify the specific operating conditions to be monitored and the relationship between these operating conditions and nitrogen oxides emission rates (i.e., ng/J or lbs/million Btu heat input). Steam generating unit operating conditions include, but are not limited to, the degree of staged combustion (i.e., the ratio of primary air to secondary and/or tertiary air) and the level of excess air (i.e., flue gas oxygen level).

(2) The plan shall include the data and information that the owner or operator used to identify the relationship between nitrogen oxides emission rates and these operating conditions.

(3) The plan shall identify how these operating conditions, including steam generating unit load, will be monitored under 40 CFR 60.48b(g) on an hourly basis by the owner or operator during the period of operation of the affected facility; the quality assurance procedures or practices that will be employed to ensure that the data generated by monitoring these operating conditions will be representative and accurate; and the type and format of the records of these operating conditions, including steam generating unit load, that will be maintained by the owner or operator under 40 CFR 60.49b(j). If the plan is approved, the owner or operator shall maintain records of predicted nitrogen oxide emission rates and the monitored operating conditions, including steam generating unit load, identified in the plan.

(h) The owner or operator of any affected facility in any category listed in paragraphs (h)(1) or (2) of this section is required to submit excess emission reports for any calendar quarter during which there are excess emissions from the affected facility. If there are no excess emissions during the calendar quarter, the owner or operator shall submit a report semiannually stating that no excess emissions occurred during the semiannual reporting period.

(1) Any affected facility subject to the opacity standards under 40 CFR 60.43b(e) or to the operating parameter monitoring requirements under 40 CFR 60.13(i)(1).

(2) Any affected facility that is subject to the nitrogen oxides standard of 40 CFR 6Q.44h, and that:

(i) Combusts natural gas, distillate oil, or residual oil with a nitrogen content of 0.3 weight percent or less, or

References
40 CFR 60.49b (con't.)

(ii) Has a heat input capacity of 73 MW (250 million Btu/hour) or less and is required to monitor nitrogen oxides emissions on a continuous basis under 40 CFR 60.48b(g)(1) or steam generating unit operating conditions under 40 CFR 60.48b(g)(2).

(3) For the purpose of 40 CFR 60.43b, excess emissions are defined as all 6-minute periods during which the average opacity exceeds the opacity standards under 40 CFR 60.43b(f).

(4) For purposes of 40 CFR 60.48b(g)(1), excess emissions are defined as any calculated 30-day rolling average nitrogen oxides emission rate, as determined under 40 CFR 60.46b(e), which exceeds the applicable emission limits in 40 CFR 60.44b.

(i) The owner or operator of any affected facility subject to the continuous monitoring requirements for nitrogen oxides under 40 CFR 60.48(b) shall submit a quarterly report containing the information recorded under paragraph (g) of 49 CFR 60.49b. All quarterly reports shall be postmarked by the 30th day following the end of each calendar quarter.

(j) The owner or operator of any affected facility subject to the sulfur dioxide standards under 40 CFR 60.42b shall submit written reports to the Administrator for every calendar quarter. All quarterly reports shall be postmarked by the 30th day following the end of each calendar quarter.

(k) For each affected facility subject to the compliance and performance testing requirements of 40 CFR 60.45b and the reporting requirement in paragraph (j) of this section, the following information shall be reported to the Administrator:

(1) Calendar dates covered in the reporting period.

(2) Each 30-day average sulfur dioxide emission rate (ng/J or lb/million Btu heat input) measured during the reporting period, ending with the last 30-day period in the quarter; reasons for noncompliance with the emission standards; and a description of corrective actions taken.

(3) Each 30-day average percent reduction in sulfur dioxide emissions calculated during the reporting period, ending with the last 30-day period in the quarter; reasons for noncompliance with the emission standards; and a description of corrective actions taken.

References
40 CFR 60.49b (con't.)

(4) Identification of the steam generating unit operating days that coal or oil was combusted and for which sulfur dioxide or diluent (oxygen or carbon dioxide) data have not been obtained by an approved method for at least 75 percent of the operating hours in the steam generating unit operating day; justification for not obtaining sufficient data; and description of corrective action taken.

(5) Identification of the times when emissions data have been excluded from the calculation of average emission rates; justification for excluding data; and description of corrective action taken if data have been excluded for periods other than those during which coal or oil were not combusted in the steam generating unit.

(6) Identification of "F" factor used for calculations, method of determination, and type of fuel combusted.

(7) Identification of times when hourly averages have been obtained based on manual sampling methods.

(8) Identification of the times when the pollutant concentration exceeded full span of the CEMS.

(9) Description of any modifications to the CEMS that could affect the ability of the CEMS to comply with Performance Specification 2 or 3.

(10) Results of daily CEMS drift tests and quarterly accuracy assessments as required under Appendix F of 40 CFR Part 60, Procedure 1.

(11) The annual capacity factor of each {fuel} fired as provided under paragraph (d) of 40 CFR 60.49b.

(l) For each affected facility subject to the compliance and performance testing requirements of 40 CFR 60.45b(d) and the reporting requirements of paragraph (j) of this section, the following information shall be reported to the Administrator:

(1) Calendar dates when the facility was in operation during the reporting period;

(2) The 24 hour average sulfur dioxide emission rate measured for each steam generating unit operating day during the reporting period that coal or oil was combusted, ending in the last 24-hour period in the quarter; reasons for noncompliance with the emission standards; and a description of corrective actions taken;

Table 1
Clean Air Act

Part 2. Standards of Performance for New Stationary Sources (con't.)

References
40 CFR 60.49b (con't.)

(3) Identification of the steam generating unit operating days that coal or oil was combusted for which sulfur dioxide or diluent (oxygen or carbon dioxide) data have not been obtained by an approved method for at least 75 percent of the operating hours; justification for not obtaining sufficient data; and description of corrective action taken.

(4) Identification of the times when emissions data have been excluded from the calculation of average emission rates; justification for excluding data; and description of corrective action taken if data have been excluded for periods other than those during which coal or oil were not combusted in the steam generating unit.

(5) Identification of "F" factor used for calculations, method of determination, and type of fuel combusted.

(6) Identification of times when hourly averages have been obtained based on manual sampling methods.

(7) Identification of the times when the pollutant concentration exceeded full span of the CEM5.

(8) Description of any modifications to the Performance Specification 2 or 3.

(9) Results of daily CEMS drift tests and quarterly accuracy assessments as required under Appendix F, Procedure 1.

(m) For each affected facility subject to the sulfur dioxide standards under 40 CFR 60.42b for which the minimum amount of data required under 40 CFR 60.47b(f) were not obtained during a calendar quarter, the following information is reported to the Administrator in addition to that required under paragraph (k) of this section:

(1) The number of hourly averages available for outlet emission rates and inlet emission rates.

(2) The standard deviation of hourly averages for outlet emission rates and inlet emission rates, as determined in Method 19, Appendix A, of CFR Part 60, Section 7.

(3) The lower confidence limit for the mean outlet emission rate and the upper confidence limit for the mean inlet emission rate, as calculated in Method 19, Section 7.

(4) The ratio of the lower confidence limit for the mean outlet emission rate and the allowable emission rate, as determined in Method 19, Section 7.

Table 1
Clean Air Act

Part 2. Standards of Performance for New Stationary Sources (con't.)

References
40 CFR 60.49b (con't.)

(n) If a percent removal efficiency by fuel pretreatment (i.e., % Rf) is used to determine the overall percent reduction (i.e., % Ro) under 40 CFR 60.45b, the owner or operator of the affected facility shall submit a signed statement with the quarterly report:

(1) Indicating what removal efficiency by fuel pretreatment (i.e., % Rf) was credited for the calendar quarter;

(2) Listing the quantity, heat content, and date each pretreated fuel shipment was received during the previous calendar quarter; the name and location of the fuel pretreatment facility; and the total quantity and total heat content of all fuels received at the affected facility during the previous calendar quarter;

(3) Documenting the transport of the fuel from the fuel pretreatment facility to the steam generating unit; and

(4) Including a signed statement from the owner or operator of the fuel pretreatment facility certifying that the percent removal efficiency achieved by fuel pretreatment was determined in accordance with the provisions of Method 19 (Appendix A) and listing the heat content and sulfur content of each fuel before and after fuel pretreatment.

(p) The owner or operator of an affected facility described in 40 CFR 60.44b(j) or (k) shall maintain records of the following information for each steam generating unit operating day:

(1) Calendar date.

(2) The number of hours of operation.

(3) A record of the hourly steam load.

(q) The owner or operator of an affected facility described in 40 CFR 60.44(j) or 40 CFR 60.44b(k) shall submit to the Administrator on a quarterly basis:

(1) The annual capacity factor over the previous 12 months,

(2) The average fuel nitrogen content during the quarter, if residual oil was fired, and

References 40 CFR 60.49b (con't.)	(3) If the affected facility meets the criteria described in 40 CFR 60.44b(j), the results of any nitrogen oxides emission tests required during the quarter, the hours of operation during the quarter, and the hours of operation since the last nitrogen oxides emission test. (r) The owner or operator of an affected facility who elects to demonstrate that the affected facility combusts only very low sulfur oil under 40 CFR 60.42b(j)(2) shall obtain and maintain at the affected facility fuel receipts from the fuel supplier which certify that the oil meets the definition of distillate oil as defined in 40 CFR 60.41b. For the purposes of this section, the oil need not meet the fuel nitrogen content specification in the definition of distillate oil. Quarterly reports shall be submitted to the Administrator certifying that only very low sulfur oil meeting this definition was combusted in the affected facility during the preceding quarter.
References 40 CFR 60.40c	**For Small Industrial-Commercial-Institutional Steam Generating Units for Which Construction, Modification, or Reconstruction Commenced After June 9, 1989 - Applicability and Delegation of Authority** (a) The affected facility to which this subpart applies is each steam generating unit that has a maximum design heat input capacity of 29 megawatts (MW) (100 million Btu per hour (Btu/hr)) or less, but greater than or equal to 2.9 MW (10 million Btu/hr).
References 40 CFR 60.48c	**For Small Industrial-Commercial-Institutional Steam Generating Units for Which Construction, Modification, or Reconstruction Commenced After June 9, 1989 - Reporting and Recordkeeping Requirements** (a) The owner or operator of each affected facility shall submit notification of the date of construction or reconstruction, anticipated startup, and actual startup, as provided by 40 CFR 60.7. This notification shall include: (1) The design heat input capacity of the affected facility and identification of fuels to be combusted in the affected facility. (2) If applicable, a copy of any Federally enforceable requirement that limits the annual capacity factor for any fuel or mixture of fuels under 40 CFR 60.42c or 40 CFR 60.43c. (3) The annual capacity factor at which the owner or operator anticipates operating the affected facility based on all fuels fired and based on each individual fuel fired.

References
40 CFR 60.48c (con't.)

(4) Notification if an emerging technology will be used for controlling SO_2 emissions. The Administrator will examine the description of the control device and will determine whether the technology qualifies as an emerging technology. In making this determination, the Administrator may require the owner or operator of the affected facility to submit additional information concerning the control device. The affected facility is subject to the provisions of 40 CFR 60.42c(a) or (b)(1), unless and until this determination is made by the Administrator.

(b) The owner or operator of each affected facility subject to the SO_2 emission limits of 40 CFR 60.42c, or the particulate matter (PM) or opacity limits of 40 CFR 60.43c, shall submit to the Administrator the performance test data from the initial and any subsequent performance tests and, if applicable, the performance evaluation of the CEMS using the applicable performance specifications in Appendix B of 40 CFR Part 60.

(c) The owner or operator of each coal-fired, residual oil-fired, or wood-fired affected facility subject to the opacity limits under 40 CFR 60.43c(c) shall submit excess emission reports for any calendar quarter for which there are excess emissions from the affected facility. If there are no excess emissions during the calendar quarter, the owner or operator shall submit a report semiannually stating that no excess emissions occurred during the semiannual reporting period. The initial quarterly report shall be postmarked by the 30th day of the third month following the completion of the initial performance test, unless no excess emissions occur during that quarter. The initial semiannual report shall be postmarked by the 30th day of the sixth month following the completion of the initial performance test, or following the date of the previous quarterly report, as applicable. Each subsequent quarterly or semiannual report shall be postmarked by the 30th day following the end of the reporting period.

(d) The owner or operator of each affected facility subject to the SO_2 emission limits, fuel oil sulfur limits, or percent reduction requirements under 40 CFR 60.42c shall submit quarterly reports to the Administrator. The initial quarterly report shall be postmarked by the 30th day of the third month following the completion of the initial performance test. Each subsequent quarterly report shall be postmarked by the 30th day following the end of the reporting period.

(e) The owner or operator of each affected facility subject to the SO_2 emission limits, fuel oil sulfur limits, or percent reduction requirements under 40 CFR 60.43c shall keep records and submit quarterly reports as required under paragraph (d) of this section, including the following information, as applicable.

(1) Calendar dates covered in the reporting period.

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References
40 CFR 60.48c (con't.)

(2) Each 30-day average SO_2 emission rate (ng/J or lb/million Btu), or 30-day average sulfur content (weight percent), calculated during the reporting period, ending with the last 30-day period in the quarter; reasons for any noncompliance with the emission standards; and a description of corrective actions taken.

(3) Each 30-day average percent of potential SO_2 emission rate calculated during the reporting period, ending with the last 30-day period in the quarter; reasons for any noncompliance with the emission standards; and a description of corrective actions taken.

(4) Identification of any steam generating unit operating days for which SO_2 or diluent (oxygen or carbon dioxide) data have not been obtained by an approved method for at least 75 percent of the operating hours; justification for not obtaining sufficient data; and a description of corrective actions taken.

(5) Identification of any times when emissions data have been excluded from the calculation of average emission rates; justification for excluding data; and a description of corrective actions taken if data have been excluded for periods other than those during which coal or oil were not combusted in the steam generating unit.

(6) Identification of the F factor used in calculations, method of determination, and type of fuel combusted.

(7) Identification of whether averages have been obtained based on CEMS rather than manual sampling methods.

(8) If a CEMS is used, identification of any times when the pollutant concentration exceeded the full span of the CEMS.

(9) If a CEMS is used, description of any modifications to the CEMS that could affect the ability of the CEMS to comply with Performance Specifications 2 or 3 (Appendix B of 40 CFR Part 60).

(10) If a CEMS is used, results of daily CEMS drift tests and quarterly accuracy assessments as required under Appendix F of 40 CFR Part 60, Procedure 1.

(11) If fuel supplier certification is used to demonstrate compliance, records of fuel supplier certification as described under paragraph (f)(1), (2), or (3) of this section, as applicable. In addition to records of fuel supplier certifications,

References
40 CFR 60.48c (con't.)

the quarterly report shall include a certified statement signed by the owner or operator of the affected facility that the records of fuel supplier certifications submitted represent all of the fuel combusted during the quarter.

(f) Fuel supplier certification shall include the following information:

(1) For distillate oil:

(i) The name of the oil supplier.

(ii) A statement from the oil supplier that the oil complies with the specifications under the definition of distillate oil in 40 CFR 60.41c.

(2) For residual oil:

(i) The name of the oil supplier.

(ii) The location of the oil when the sample was drawn for analysis to determine the sulfur content of the oil, specifically including whether the oil was sampled as delivered to the affected facility, or whether the sample was drawn from oil in storage at the oil supplier's or oil refiner's facility, or other location.

(iii) The sulfur content of the oil from which the shipment came (or of the shipment itself).

(iv) The method used to determine the sulfur content of the oil.

(3) For coal:

(i) The name of the coal supplier.

(ii) The location of the coal when the sample was collected for analysis to determine the properties of the coal, specifically including whether the coal was sampled as delivered to the affected facility or whether the sample was collected from coal in storage at the mine, at a coal preparation plant, at a coal supplier's

References 40 CFR 60.48c (con't.)	facility, or at another location. The certification shall include the name of the coal mine (and coal seam), coal storage facility, or coal preparation plant (where the sample was collected). (iii) The results of the analysis of the coal from which the shipment came (or of the shipment itself) including the sulfur content, moisture content, ash content, and heat content. (iv) The methods used to determine the properties of the coal.
References 40 CFR 60.113b	**For Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984 - Testing and Procedures** The owner or operator of each storage vessel as specified in 40 CFR 60.112b(a) shall meet the requirements of paragraph (a), (b), or (c) of this section. The applicable paragraph for a particular storage vessel depends on the control equipment installed to meet the requirements of 40 CFR 60.112b. (a) After installing the control equipment required to meet 40 CFR 60.112b(a)(1) (permanently affixed roof and internal floating roof), each owner or operator shall: (1) Visually inspect the internal floating roof, the primary seal, and the secondary seal (if one is in service) prior to filling the storage vessel with VOL. If there are holes, tears, or other openings in the primary seal, the secondary seal, or the seal fabric or defects in the internal floating roof, or both, the owner or operator shall repair the items before filling the storage vessel. (2) For vessels equipped with a liquid-mounted or mechanical shoe primary seal, visually inspect the internal floating roof and the primary seal or the secondary seal (if one is in service) through manholes and roof hatches on the fixed roof at least once every 12 months after initial fill. If the internal floating roof is not resting on the surface of the VOL inside the storage vessel, or there is liquid accumulated on the roof, or the seal is detached, or there are holes or tears in the seal fabric, the owner or operator shall repair the items or empty and remove the storage vessel from service within 45 days. If a failure that is detected during inspections required in this paragraph cannot be repaired within 45 days and if the vessel cannot be emptied within 45 days, a 30-day extension may be requested from the Administrator in the inspection report required in 40 CFR 60.115b(a)(3). Such a request for an extension must

References 40 CFR 60.113b (con't.)	document that alternate storage capacity is unavailable and specify a schedule of actions the company will take that will assure that the control equipment will be repaired or the vessel will be emptied as soon as possible. (3) For vessels equipped with a double-seal system as specified in 40 CFR 60.112b(a)(1)(ii)(B): (i) Visually inspect the vessel as specified in paragraph (a)(4) of this section at least every 5 years; or (ii) Visually inspect the vessel as specified in paragraph (a)(2) of this section. (4) Visually inspect the internal floating roof, the primary seal, the secondary seal (if one is in service), gaskets, slotted membranes and sleeve seals (if any) each time the storage vessel is emptied and degassed. If the internal floating roof has defects, the primary seal has holes, tears, or other openings in the seal or the seal fabric, or the secondary seal has holes, tears, or other openings in the seal or the seal fabric, or the gaskets no longer close off the liquid surfaces from the atmosphere, or the slotted membrane has more than 10 percent open area, the owner or operator shall repair the items as necessary so that none of the conditions specified in this paragraph exist before refilling the storage vessel with VOL. In no event shall inspections conducted in accordance with this provision occur at intervals greater than 10 years in the case of vessels conducting the annual visual inspection as specified in paragraphs (a)(2) and (a)(3)(ii) of this section and at intervals no greater than 5 years in the case of vessels specified in paragraph (a)(3)(i) of this section. (5) Notify the Administrator in writing at least 30 days prior to the filling or refilling of each storage vessel for which an inspection is required by paragraphs (a)(1) and (a)(4) of this section to afford the Administrator the opportunity to have an observer present. If the inspection required by paragraph (a)(4) of this section is not planned and the owner or operator could not have known about the inspection 30 days in advance of refilling the tank, the owner or operator shall notify the Administrator at least 7 days prior to the refilling of the storage vessel. Notification shall be made by telephone immediately followed by written documentation demonstrating why the inspection was unplanned. Alternatively, this notification including the written documentation may be made in writing and sent by express mail so that it is received by the Administrator at least 7 days prior to the refilling. (b) After installing the control equipment required to meet 40 CFR 60.112b(a)(2) (external floating roof), the owner or operator shall:

References	
40 CFR 60.113b (con't.)	(5) Notify the Administrator 30 days in advance of any gap measurements required by paragraph (b)(1) of this section to afford the Administrator the opportunity to have an observer present. (6) Visually inspect the external floating roof, the primary seal, secondary seal, and fittings each time the vessel is emptied and degassed. (i) If the external floating roof has defects, the primary seal has holes, tears, or other openings in the seal or the seal fabric, or the secondary seal has holes, tears, or other openings in the seal or the seal fabric, the owner or operator shall repair the items as necessary so that none of the conditions specified in this paragraph exist before filling or refilling the storage vessel with VOL. (ii) For all the inspections required by paragraph (b)(6) of this section, the owner or operator shall notify the Administrator in writing at least 30 days prior to the filling or refilling of each storage vessel to afford the Administrator the opportunity to inspect the storage vessel prior to refilling. If the inspection required by paragraph (b)(6) of this section is not planned and the owner or operator could not have known about the inspection 30 days in advance of refilling the tank, the owner or operator shall notify the Administrator at least 7 days prior to the refilling of the storage vessel. Notification shall be made by telephone immediately followed by written documentation demonstrating why the inspection was unplanned. Alternatively, this notification including the written documentation may be made in writing and sent by express mail so that it is received by the Administrator at least 7 days prior to the refilling. (c) The owner or operator of each source that is equipped with a closed vent system and control device as required in 40 CFR 60.112b(a)(3) or (b)(2) (other than a flare) is exempt from 40 CFR 60.8 of the General Provisions and shall meet the following requirements. (1) Submit for approval by the Administrator as an attachment to the notification required by 40 CFR 60.7(a)(1) or, if the facility is exempt from 40 CFR 60.7(a)(1), as an attachment to the notification required by 40 CFR 60.7(a)(2), an operating plan containing the information listed below. (i) Documentation demonstrating that the control device will achieve the required control efficiency during maximum loading conditions. This documentation is to include a description of the gas stream which enters the control device, including flow and VOC content under varying liquid level conditions (dynamic and

References 40 CFR 60.113b (con't.)	static) and manufacturer's design specifications for the control device. If the control device or the closed vent capture system receives vapors, gases, or liquids other than fuels from sources that are not designated sources under this subpart, the efficiency demonstration is to include consideration of all vapors, gases, and liquids received by the closed vent capture system and control device. If an enclosed combustion device with a minimum residence time of 0.75 seconds and a minimum temperature of 816 °C is used to meet the 95 percent requirement, documentation that those conditions will exist is sufficient to meet the requirements of this paragraph. (ii) A description of the parameter or parameters to be monitored to ensure that the control device will be operated in conformance with its design and an explanation of the criteria used for selection of that parameter (or parameters).
References 40 CFR 60.113b	**For Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984 - Reporting and Recordkeeping Requirements** The owner or operator of each storage vessel as specified in 40 CFR 60.112b(a) shall keep records and furnish reports as required by paragraphs (a), (b), or (c) of this section depending upon the control equipment installed to meet the requirements of 40 CFR 60.112b. The owner or operator shall keep copies of all reports and records required by this section, except for the record required by (c)(1), for at least 2 years. The record required by (c)(1) will be kept for the life of the control equipment. (a) After installing control equipment in accordance with 40 CFR 60.112b(a)(1) (fixed roof and internal floating roof), the owner or operator shall meet the following requirements. (1) Furnish the Administrator with a report that describes the control equipment and certifies that the control equipment meets the specifications of 40 CFR 60.112b(a)(1) and 40 CFR 60.113b(a)(1). This report shall be an attachment to the notification required by 40 CFR 60.7(a)(3). (2) Keep a record of each inspection performed as required by 40 CFR 60.113b(a)(1), (a)(2), (a)(3), and (a)(4). Each record shall identify the storage vessel on which the inspection was performed and shall contain the date the vessel was inspected and the observed condition of each component of the control equipment (seals, internal floating roof, and fittings).

References
40 CFR 60.113b (con't.)

(3) If any of the conditions described in 40 CFR 60.113b(a)(2) are detected during the annual visual inspection required by 40 CFR 60.113b(a)(2), a report shall be furnished to the Administrator within 30 days of the inspection. Each report shall identify the storage vessel, the nature of the defects, and the date the storage vessel was emptied or the nature of and date the repair was made.

(4) After each inspection required by 40 CFR 60.113b(a)(3) that finds holes or tears in the seal or seal fabric, or defects in the internal floating roof, or other control equipment defects listed in 40 CFR 60.113b(a)(3)(ii), a report shall be furnished to the Administrator within 30 days of the inspection. The report shall identify the storage vessel and the reason it did not meet the specifications of 40 CFR 61.112b(a)(1) or 40 CFR 60.113b(a)(3) and list each repair made.

(b) After installing control equipment in accordance with 40 CFR 61.112b(a)(2) (external floating roof), the owner or operator shall meet the following requirements.

(1) Furnish the Administrator with a report that describes the control equipment and certifies that the control equipment meets the specifications of 40 CFR 60.112b(a)(2) and 40 CFR 60.113b(b)(2), (b)(3), and (b)(4). This report shall be an attachment to the notification required by 40 CFR 60.7(a)(3).

(2) Within 60 days of performing the seal gap measurements required by 40 CFR 60.113b(b)(1), furnish the Administrator with a report that contains:

(i) The date of measurement.

(ii) The raw data obtained in the measurement.

(iii) The calculations described in 40 CFR 60.113b (b)(2) and (b)(3).

(3) Keep a record of each gap measurement performed as required by 40 CFR 60.113b(b). Each record shall identify the storage vessel in which the measurement was performed and shall contain:

(i) The date of measurement.

References
40 CFR 60.113b (con't.)

(ii) The raw data obtained in the measurement.

(iii) The calculations described in 40 CFR 60.113b(b)(2) and (b)(3).

(4) After each seal gap measurement that detects gaps exceeding the limitations specified by 40 CFR 60.113b(b)(4), submit a report to the Administrator within 30 days of the inspection. The report will identify the vessel and contain the information specified in paragraph (b)(2) of this section and the date the vessel was emptied or the repairs made and date of repair.

(c) After installing control equipment in accordance with 40 CFR 60.112b(a)(3) or (b)(1) (closed vent system and control device other than a flare), the owner or operator shall keep the following records:

(1) A copy of the operating plan.

(2) A record of the measured values of the parameters monitored in accordance with 40 CFR 60.113b(c)(2).

(d) After installing a closed vent system and flare to comply with 40 CFR 60.112b, the owner or operator shall meet the following requirements:

(1) A report containing the measurements required by 40 CFR 60.18(f)(1), (2), (3), (4), (5), and (6) shall be furnished to the Administrator as required by 40 CFR 60.8 of the General Provisions. This report shall be submitted within 6 months of the initial start-up date.

(2) Records shall be kept of all periods of operation during which the flare pilot flame is absent.

(3) Semiannual reports of all periods recorded under 40 CFR 60.115b(d)(2) in which the pilot flame was absent shall be furnished to the Administrator.

Part 2. Standards of Performance for New Stationary Sources (con't.)

References
40 CFR 60.116b

For Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984 - Monitoring of Operations

(d) Except as provided in paragraph (g) of this section, the owner or operator of each storage vessel either with a design capacity greater than or equal to 151 m^3 storing a liquid with a maximum true vapor pressure that is normally less than 5.2 kPa or with a design capacity greater than or equal to 75 m^3 but less than 151 m^3 storing a liquid with a maximum true vapor pressure that is normally less than 27.6 kPa shall notify the Administrator within 30 days when the maximum true vapor pressure of the liquid exceeds the respective maximum true vapor pressure values for each volume range.

References
40 CFR 60.150

For Sewage Treatment Plants - Applicability and Designation of Affected Facility

(a) The affected facility is each incinerator that combusts wastes containing more than 10 percent sewage sludge (dry basis) produced by municipal sewage treatment plants, or each incinerator that charges more than 1000 kg (2205 lb) per day municipal sewage sludge (dry basis).

(b) Any facility under paragraph (a) of this section that commences construction or modification after June 11, 1973, is subject to the requirements of this subpart.

References
40 CFR 60.155

For Sewage Treatment Plants - Reporting

(a) The owner or operator of any multiple hearth, fluidized bed, or electric sludge incinerator subject to the provisions of this subpart shall submit to the Administrator semi-annually a report in writing which contains the following:

(1) A record of average scrubber pressure drop measurements for each period of 15 minutes duration or more during which the pressure drop of the scrubber was less than, by a percentage specified below, the average scrubber pressure drop measured during the most recent performance test. The percent reduction in scrubber pressure drop for which a report is required shall be determined as follows:

(i) For incinerators that achieved an average particulate matter emission rate of 0.38 kg/Mg (0.75 lb/ton) dry sludge input or less during the most recent performance test, a scrubber pressure drop reduction of more than 30 percent from the average scrubber pressure drop recorded during the most recent performance test shall be reported.

References
40 CFR 60.155 (con't.)

(ii) For incinerators that achieved an average particulate matter emission rate of greater than 0.38 kg/Mg (0.75 lb/ton) dry sludge input during the most recent performance test, a percent reduction in pressure drop greater than that calculated according to the following equation shall be reported: P=-111E+72.15 where P=Percent reduction in pressure drop, and E=Average particulate matter emissions (kg/megagram)

(2) A record of average oxygen content in the incinerator exhaust gas for each period of l-hour duration or more that the oxygen content of the incinerator exhaust gas exceeds the average oxygen content measured during the most recent performance test by more than 3 percent.

(b) The owner or operator of any multiple hearth, fluidized bed, or electric sludge incinerator from which the average particulate matter emission rate measured during the performance test required under 40 CFR 60.154(d) exceeds 0.38 g/kg of dry sludge input (0.75 lb/ton of dry sludge input) shall include in the report for each calendar day that a decrease in scrubber pressure drop or increase in oxygen content of exhaust gas is reported a record of the following:

(1) Scrubber pressure drop averaged over each 1-hour incinerator operating period.

(2) Oxygen content in the incinerator exhaust averaged over each 1-hour incinerator operating period.

(3) Temperatures of every hearth in multiple hearth incinerators; of the bed and outlet of fluidized bed incinerators; and of the drying, combustion, and cooling zones of electric incinerators averaged over each 1-hour incinerator operating period.

(4) Rate of sludge charged to the incinerator averaged over each 1-hour incinerator operating period.

(5) Incinerator fuel use averaged over each 8-hour incinerator operating period.

(6) Moisture and volatile solids content of the daily grab sample of sludge charged to the incinerator.

(c) The owner or operator of any sludge incinerator other than a multiple hearth, fluidized bed, or electric incinerator or any sludge incinerator equipped with a control device other than a wet scrubber shall include in the semi-annual report a record of control device operation measurements, as specified in the plan approved under 40 CFR 60.153(e).

Table 1
Clean Air Act

Part 3. National Emission Standards for Hazardous Air Pollutants (NESHAPs) - Source Reporting and Waiver Request

Authorizations
Clean Air Act, Section 112

References
40 CFR 61.09

General Provisions - Notification of Startup

(a) The owner or operator of each stationary source which has an initial startup after the effective date of a standard shall furnish the Administrator with written notification as follows:

(1) A notification of the anticipated date of initial startup of the source not more than 60 days nor less than 30 days before that date, and

(2) A notification of the actual date of initial startup of the source within 15 days after that date.

(b) If any State or local agency requires a notice which contains all the information required in the notification in paragraph (a) of this section, sending the Administrator a copy of that notification will satisfy paragraph (a) of this section.

References
40 CFR 61.10

General Provisions - Source Reporting and Waiver Request

(a) The owner or operator of each existing source or each new source which had an initial startup before the effective date shall provide the following information in writing to the Administrator within 90 days after the effective date:

(1) Name and address of the owner or operator.

(2) The location of the source.

(3) The type of hazardous pollutants emitted by the stationary source.

(4) A brief description of the nature, size, design, and method of operation of the stationary source including the operating design capacity of the source. Identify each point of emission for each hazardous pollutant.

(5) The average weight per month of the hazardous materials being processed by the source, over the last 12 months preceding the date of the report.

(6) A description of the existing control equipment for each emission point including:

References
40 CFR 61.10 (con't.)

(i) Each control device for each hazardous pollutant; and

(ii) Estimated control efficiency (percent) for each control device.

(7) A statement by the owner or operator of the source as to whether the source can comply with the standards within 90 days after the effective date.

(b) The owner or operator of an existing source unable to comply with an applicable standard may request a waiver of compliance with that standard for a period not exceeding 2 years after the effective date. Any request shall be in writing and shall include the following information:

(1) A description of the controls to be installed to comply with the standard.

(2) A compliance schedule, including the date each step toward compliance will be reached. The list shall include as a minimum the following dates:

(i) Date by which contracts for emission control systems or process changes for emission control will be awarded, or date by which orders will be issued for the purchase of component parts to accomplish emission control or process changes.

(ii) Date of initiation of onsite construction or installation of emission control equipment or process change.

(iii) Date by which onsite construction or installation of emission control equipment or process change is to be completed.

(iv) Date by which final compliance is to be achieved.

(3) A description of interim emission control steps which will be taken during the waiver period.

(c) Any change in the information provided under paragraph (a) of this section or 40 CFR 61.07(b) shall be provided to the Administrator within 30 days after the change. However, if any change will result from modification of the source, 40 CFR 61.07(c) and 61.08 apply.

Table 1
Clean Air Act

Part 3. National Emission Standards for Hazardous Air Pollutants - Source Reporting and Waiver Request (con't.)

References
40 CFR 61.10 (con't.)

(d) A possible format for reporting under this section is included as Appendix A of 40 CFR Part 61. Advice on reporting the status of compliance may be obtained from the Administrator.

References
40 CFR 61.20

For Radon Emissions from Underground Uranium Mines - Designation of Facilities

The provisions of this subpart are applicable to the owner or operator of an active underground uranium mine which:

(a) Has mined, will mine, or is designed to mine over 100,000 tons of ore during the life of the mine; or

(b) Has had or will have an annual ore production rate greater than 10,000 tons, unless it can be demonstrated to EPA that the mine will not exceed total ore production of 100,000 tons during the life of the mine.

References
40 CFR 61.24

For Radon Emissions from Underground Uranium Mines - Annual Reporting Requirements

(a) The mine owner or operator shall annually calculate and report the results of the compliance calculations in 40 CFR 61.23 and the input parameters used in making the calculation. Such report shall cover the emissions of a calendar year and shall be sent to EPA by March 31 of the following year. Each report shall also include the following information:

(1) The name and location of the mine.

(2) The name of the person responsible for the operation of the facility and the name of the person preparing the report (if different).

(3) The results of the emissions testing conducted and the dose calculated using the procedures in 40 CFR 61.23.

(4) A list of the stacks or vents or other points where radioactive materials are released to the atmosphere, including their location, diameter, flow rate, effluent temperature, and release height.

(5) A description of the effluent controls that are used on each stack, vent, or other release point and the effluent controls used inside the mine, and an estimate of the efficiency of each control method or device.

Part 3. National Emission Standards for Hazardous Air Pollutants - Source Reporting and Waiver Request (con't.)

References
40 CFR 61.24 (con't.)

(6) Distances from the points of release to the nearest residence, school, business, or office and the nearest farms producing vegetables, milk, and meat.

(7) The values used for all other user-supplied input parameters for the computer models (e.g., meteorological data) and the source of those data.

(8) Each report shall be signed and dated by a corporate officer in charge of the facility and contain the following declaration immediately above the signature line: "I certify under penalty of law that I have personally examined and am familiar with the information submitted herein and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment. See, 18 U.S.C. 1001."

(b) If the facility is not in compliance with the emission standard of 40 CFR 61.22 in the calendar year covered by the report, the facility must then commence reporting to the Administrator on a monthly basis the information listed in paragraph (a) of this section for the preceding month. These reports will start the month immediately following the submittal of the annual report for the year in noncompliance and will be due 30 days following the end of each month. This increased level of reporting will continue until the Administrator has determined that the monthly reports are no longer necessary. In addition to all the information required in paragraph (a) of this section, monthly reports shall also include the following information:

(1) All controls or other changes in operation of the facility that will be or are being installed to bring the facility into compliance.

(2) If the facility is under a judicial or administrative enforcement decree, the report will describe the facility performance under the terms of the decree.

(c) The first report will cover the emissions of calendar year 1990.

☞ 40 CFR 61.22
Emissions of radon-222 to the ambient air from an underground uranium mine shall not exceed those amounts that would cause any member of the public to receive in any year an effective dose equivalent of 10 mrem/y.

Table 1
Clean Air Act

Part 3. National Emission Standards for Hazardous Air Pollutants - Source Reporting and Waiver Request (con't.)

References
40 CFR 61.24 (con't.)

☞ 40 CFR 61.23a(a)
Compliance with the emission standard in this subpart shall be determined and the effective dose equivalent calculated by the EPA computer code COMPLY-R. An underground uranium mine owner or operator shall calculate the source terms to be used for input into COMPLY-R by conducting testing in accordance with the procedures described in Appendix B of 40 CFR Part 61, Method 115, or

☞ 40 CFR 61.23b(b)
Owners or operators may demonstrate compliance with the emission standard in this subpart through the use of computer models that are equivalent to COMPLY-R provided that the model has received prior approval from EPA headquarters. EPA may approve a model in whole or in part and may limit its use to specific circumstances.

References
40 CFR 61.26

For Radon Emissions from Underground Uranium Mines - Exemption from the Reporting and Testing Requirements

All facilities designated under this subpart are exempt from the reporting requirements of 40 CFR 61.10.

References
40 CFR 61.33

For Beryllium - Stack Sampling

(b) The Administrator shall be notified at least 30 days prior to an emission test so that he may at his option observe the test.

(c) Samples shall be taken over such a period or periods as are necessary to accurately determine the maximum emissions which will occur in any 24-hour period. Where emissions depend upon the relative frequency of operation of different types of processes, operating hours, operating capacities, or other factors, the calculation of maximum 24-hour-period emissions will be based on that combination of factors which is likely to occur during the subject period and which result in the maximum emissions. No changes in the operation shall be made, which would potentially increase emissions above that determined by the most recent source test, until a new emission level has been estimated by calculation and the results reported to the Administrator.

(d) All samples shall be analyzed and beryllium emissions shall be determined within 30 days after the source test. All determinations shall be reported to the Administrator by a registered letter dispatched before the close of the next business day following such determination.

Table 1
Clean Air Act

Part 3. National Emission Standards for Hazardous Air Pollutants - Source Reporting and Waiver Request (con't.)

References
40 CFR 61.34

For Beryllium - Air Sampling

(d) Concentrations measured at all sampling sites shall be reported to the Administrator every 30 days by a registered letter.

Table 1
Clean Air Act

Part 4. Emissions of Radionuclides Other than Radon from DOE Facilities

Authorizations
Clean Air Act, Section 118

References
40 CFR 61.94

Compliance and Reporting

(a) Compliance with this standard shall be determined by calculating the highest effective dose equivalent to any member of the public at any offsite point where there is a residence, school, business, or office. The owners or operators of each facility shall submit an annual report to both EPA headquarters and the appropriate regional office by June 30 which includes the results of the monitoring as recorded in DOE's Effluent Information System and the dose calculations required by 40 CFR 61.93(a) for the previous calendar year.

(b) In addition to the requirements of paragraph (a) of this section, an annual report shall include the following information:

(1) Name and location of the facility.

(2) A list of the radioactive materials used at the facility.

(3) A description of the handling and processing that the radioactive materials undergo at the facility.

(4) A list of the stacks or vents or other points where radioactive materials are released to the atmosphere.

(5) A description of the effluent controls that are used on each stack, vent, or other release point and an estimate of the efficiency of each control device.

(6) Distances from points of release to the nearest residence, school, business, or office and the nearest farms producing vegetables, milk, and meat.

(7) The values used for all other user-supplied input parameters for the computer models (e.g., meteorological data) and the source of those data.

(8) A brief description of all construction and modifications which were completed in the calendar year for which the report is prepared, but for which the requirement to apply for approval to construct or modify was waived under 40 CFR 61.96 and associated documentation developed by DOE to support the waiver. EPA reserves the right to require that DOE send to EPA all the information that normally would be required in an application to construct or modify, following receipt of the description and supporting documentation.

Part 4. Emissions of Radionuclides Other than Radon from DOE Facilities (con't)

References
40 CFR 61.94 (con't.)

(c) If the facility is not in compliance with the emission limits of 40 CFR 61.92 in the calendar year covered by the report, then the facility must commence reporting to the Administrator on a monthly basis the information listed in paragraph (b) of this section, for the preceding month. These reports will start the month immediately following the submittal of the annual report for the year in noncompliance and will be due 30 days following the end of the month. This increased level of reporting will continue until the Administrator has determined that the monthly reports are no longer necessary. In addition to all the information required in paragraph (b) of this section, monthly reports shall also include the following information:

(1) All controls or other changes in operation of the facility that will be or are being installed to bring the facility into compliance.

(2) If the facility is under a judicial or administrative enforcement decree, the report will describe the facility's performance under the terms of the decree.

(d) In those instances where the information requested is classified, such information will be made available to EPA separate from the report and will be handled and controlled according to applicable security and classification regulations and requirements.

References
40 CFR 61.96

Applications to Construct or Modify

(a) In addition to any activity that is defined as construction under 40 CFR Part 61, Subpart A, any fabrication, erection or installation of a new building or structure within a facility that emits radionuclides is also defined as new construction for purposes of 40 CFR Part 61, Subpart A.

(b) An application for approval under 40 CFR 61.07 or notification of startup under 40 CFR 61.09 does not need to be filed for any new construction of or modification within an existing facility if the effective dose equivalent, caused by all emissions from the new construction or modification, is less than 1% of the standard prescribed in 40 CFR 61.92. For purposes of this paragraph the effective dose equivalent shall be calculated using the source term derived using Appendix D as input to the dispersion and other computer models described in 40 CFR 61.93. DOE may, with prior approval from EPA, use another procedure for estimating the source term for use in this paragraph. A facility is eligible for this exemption only if, based on its last annual report, the facility is in compliance with this subpart.

Table 1
Clean Air Act

Part 4. Emissions of Radionuclides Other than Radon from DOE Facilities (con't)

References 40 CFR 61.96 (con't.)	(c) Conditions to approvals granted under 40 CFR 61.08 will not contain requirements for post approval reporting on operating conditions beyond those specified in 40 CFR 61.94.

Table 1
Clean Air Act

Part 5. NESHAPs For Asbestos

Authorizations
Clean Air Act, Section 112

References
40 CFR 61.145

Standard for Demolition and Renovation

(a) Applicability. To determine which requirements of paragraphs (a), (b), and (c) of this section apply to the owner or operator of a demolition or renovation activity and prior to the commencement of the demolition or renovation, thoroughly inspect the affected facility or part of the facility where the demolition or renovation operation will occur for the presence of asbestos, including Category I and Category II nonfriable {asbestos containing materials} (ACM). The requirements of paragraphs (b) and (c) of this section apply to each owner or operator of a demolition or renovation activity, including the removal of Regulated Asbestos Containing Material (RACM) as follows:

(1) In a facility being demolished, all the requirements of paragraphs (b) and (c) of this section apply, except as provided in paragraph (a)(3) of this section, if the combined amount of RACM is:

(i) At least 80 linear meters (260 linear feet) on pipes or at least 15 square meters (160 square feet) on other facility components, or

(ii) At least I cubic meter (35 cubic feet) of facility components where the length or area could not be measured previously.

(2) In a facility being demolished, only the notification requirements of paragraphs (b)(1), (2), (3)(i) and (iv), and (4)(i) through (vii) and (4)(ix) and (xvi) of this section apply, if the combined amount of RACM is:

(i) Less than 80 linear meters (260 linear feet) on pipes and less than 15 square meters (160 square feet) on other facility components, and

(ii) Less than one cubic meter (35 cubic feet) of facility components where the length or area could not be measured previously or there is no asbestos.

(3) If the facility is being demolished under an order of a State or local government agency, issued because the facility is structurally unsound and in danger of imminent collapse, only the requirements of paragraphs (b)(1), (b)(2), (b)(3)(iii), (b)(4) (except (b)(4)(viii)), (b)(5), and (c)(4) through (c)(9) of this section apply.

Part 5. NESHAPs For Asbestos (con't.)

References
40 CFR 61.145 (con't.)

(4) In a facility being renovated, including any individual nonscheduled renovation operation, all the requirements of paragraphs (b) and (c) of this section apply if the combined amount of RACM to be stripped, removed, dislodged, cut, drilled, or similarly disturbed is:

(i) At least 80 linear meters (260 linear feet) on pipes or at least 15 square meters (160 square feet) on other facility components, or

(ii) At least 1 cubic meter (35 cubic feet) of facility components where the length or area could not be measured previously.

To determine whether paragraph (a)(4) of this section applies to planned renovation operations involving individual nonscheduled operations, predict the combined additive amount of RACM to be removed or stripped during a calendar year of January 1 through December 31.

To determine whether paragraph (a)(4) of this section applies to emergency renovation operations, estimate the combined amount of RACM to be removed or stripped as a result of the sudden, unexpected event that necessitated the renovation.

(b) Notification requirements. Each owner or operator of a demolition or renovation activity to which this section applies shall:

(1) Provide the Administrator with written notice of intention to demolish or renovate. Delivery of the notice by U.S. Postal Service, commercial delivery service, or hand delivery is acceptable.

(2) Update notice, as necessary, including when the amount of asbestos affected changes by at least 20 percent.

(3) Postmark or deliver the notice as follows:

(i) At least 10 working days before asbestos stripping or removal work or any other activity begins (such as site preparation that would break up, dislodge or similarly disturb asbestos material), if the operation is described in paragraphs (a)(1) and (4) (except (a)(4)(iii) and (a)(4)(iv)) of this section. If the operation is as described in paragraph (a)(2) of this section, notification is required 10 working days before demolition begins.

Part 5. NESHAPs For Asbestos (con't.)

References
40 CFR 61.145 (con't.)

(ii) At least 10 working days before the end of the calendar year preceding the year for which notice is being given for renovations described in paragraph (a)(4)(iii) of this section.

(iii) As early as possible before, but not later than, the following working day if the operation is a demolition ordered according to paragraph (a)(3) of this section, or if the operation is a renovation described in paragraph (a)(4)(iv) of this section.

(iv) For asbestos stripping or removal work in a demolition or renovation operation, described in paragraphs (a)(1) and (4) (except (a)(4)(iii) and (a)(4)(iv)) of this section, and for a demolition described in paragraph (a)(2) of this section, that will begin on a date other than the one contained in the original notice, notice of the new start date must be provided to the Administrator as follows:

(A) When the asbestos stripping or removal operation or demolition operation covered by this paragraph will begin after the date contained in the notice:

(1.) Notify the Administrator of the new start date by telephone as soon as possible before the original start date, and

(2.) Provide the Administrator with a written notice of the new start date as soon as possible before, and no later than, the original start date. Delivery of the updated notice by the U.S. Postal Service, commercial delivery service, or hand delivery is acceptable.

(B) When the asbestos stripping or removal operation or demolition operation covered by this paragraph will begin on a date earlier than the original start date:

(1.) Provide the Administrator with a written notice of the new start date at least 10 working days before asbestos stripping or removal work begins.

(2.) For demolitions covered by paragraph (a)(2) of this section, provide the Administrator written notice of a new start date at least 10 working days before commencement of demolition. Delivery of updated notice by U.S. Postal Service, commercial delivery service, or hand delivery is acceptable.

Part 5. NESHAPs For Asbestos (con't.)

References
40 CFR 61.145 (con't.)

(C) In no event shall an operation covered by this paragraph begin on a date other than the date contained in the written notice of the new start date.

(4) Include the following in the notice:

(i) An indication of whether the notice is the original or a revised notification.

(ii) Name, address, and telephone number of both the facility owner and operator and the asbestos removal contractor owner or operator.

(iii) Type of operation: demolition or renovation.

(iv) Description of the facility or affected part of the facility including the size (square meters [square feet] and number of floors), age, and present and prior use of the facility.

(v) Procedure, including analytical methods, employed to detect the presence of RACM and Category I and Category II nonfriable ACM.

(vi) Estimate of the approximate amount of RACM to be removed from the facility in terms of length of pipe in linear meters (linear feet), surface area in square meters (square feet) on other facility components, or volume in cubic meters (cubic feet) if off the facility components. Also, estimate the approximate amount of Category I and Category II nonfriable ACM in the affected part of the facility that will not be removed before demolition.

(vii) Location and street address (including building number or name and floor or room number, if appropriate), city, county, and state, of the facility being demolished or renovated.

(viii) Scheduled starting and completion dates of asbestos removal work (or any other activity, such as site preparation that would break up, dislodge, or similarly disturb asbestos material) in a demolition or renovation; planned renovation operations involving individual nonscheduled operations shall only include the beginning and ending dates of the report period as described in paragraph (a)(4)(iii) of this section.

Part 5. NESHAPs For Asbestos (con't.)

References
40 CFR 61.145 (con't.)

(ix) Scheduled starting and completion dates of demolition or renovation.

(x) Description of planned demolition or renovation work to be performed and method(s) to be employed, including demolition or renovation techniques to be used and description of affected facility components.

(xi) Description of work practices and engineering controls to be used to comply with the requirements of this subpart, including asbestos removal and waste-handling emission control procedures.

(xii) Name and location of the waste disposal site where the asbestos-containing waste material will be deposited.

(xiii) A certification that at least one person trained as required by paragraph (c)(8) of this section will supervise the stripping and removal described by this notification. This requirement shall become effective 1 year after promulgation of this regulation.

(xiv) For facilities described in paragraph (a)(3) of this section, the name, title, and authority of the State or local government representative who has ordered the demolition, the date that the order was issued, and the date on which the demolition was ordered to begin. A copy of the order shall be attached to the notification.

(xv) For emergency renovations described in paragraph (a)(4)(iv) of this section, the date and hour that the emergency occurred, a description of the sudden, unexpected event, and an explanation of how the event caused an unsafe condition, or would cause equipment damage or an unreasonable financial burden.

(xvi) Description of procedures to be followed in the event that unexpected RACM is found or Category II nonfriable ACM becomes crumbled, pulverized, or reduced to powder.

(xvii) Name, address, and telephone number of the waste transporter.

(5) The information required in paragraph (b)(4) of this section must be reported using a form similar to that shown in Figure 3 {of 40 CFR 145}.

Part 5. NESHAPs For Asbestos (con't.)

References
40 CFR 61.150

Standard for Waste Disposal for Manufacturing, Fabricating, Demolition, Renovation, and Spraying Operations

(d) For all asbestos-containing waste material transported of the facility site:

(1) Maintain waste shipment records, using a form similar to that shown in Figure 4 {of 40 CFR 145}, and include the following information:

(i) The name, address, and telephone number of the waste generator.

(ii) The name and address of the local, State, or EPA Regional office responsible for administering the asbestos NESHAP program.

(iii) The approximate quantity in cubic meters (cubic yards).

(iv) The name and telephone number of the disposal site operator.

(v) The name and physical site location of the disposal site.

(vi) The date transported.

(vii) The name, address, and telephone number of the transporter(s).

(viii) A certification that the contents of this consignment are fully and accurately described by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and government regulations.

(2) Provide a copy of the waste shipment record, described in paragraph (d)(1) of this section, to the disposal site owners or operators at the same time as the asbestos-containing waste material is delivered to the disposal site.

(3) For waste shipments where a copy of the waste shipment record, signed by the owner or operator of the designated disposal site, is not received by the waste generator within 35 days of the date the waste was accepted by the initial

Part 5. NESHAPs For Asbestos (con't.)

References
40 CFR 61.150 (con't.)

transporter, contact the transporter and/or the owner or operator of the designated disposal site to determine the status of the waste shipment.

(4) Report in writing to the local, State, or EPA Regional office responsible for administering the asbestos NESHAP program for the waste generator if a copy of the waste shipment record, signed by the owner or operator of the designated waste disposal site, is not received by the waste generator within 45 days of the date the waste was accepted by the initial transporter. Include in the report the following information:

(i) A copy of the waste shipment record for which a confirmation of delivery was not received.

(ii) A cover letter signed by the waste generator explaining the efforts taken to located the asbestos waste shipment and the results of those efforts.

(5) Retain a copy of all waste shipment records, including a copy of the waste shipment record signed by the owner or operator of the designated waste disposal site, for at least 2 years.

References
40 CFR 61.153

Reporting

(a) Any new source to which this subpart applies (with the exception of sources subject to 40 CFR 61.143, 61.145, 61.146, and 61.148), which has an initial startup date preceding the effective date of this revision, shall provide the following information to the Administrator postmarked or delivered within 90 days of the effective date. In the case of a new source that does not have an initial startup date preceding the effective date, the information shall be provided, postmarked or delivered, within 90 days of the initial startup date. Any owner or operator of an existing source shall provide the following information to the Administrator within 90 days of the effective date of this subpart unless the owner or operator of the existing source has previously provided this information to the Administrator (Any changes in the information provided by any existing source shall be provided to the Administrator, postmarked or delivered, within 30 days after the change.):

(1) A description of the emission control equipment used for each process; and

(i) If the fabric device uses a woven fabric, the airflow permeability in $m^3/min/m^2$.

Part 5. NESHAPs For Asbestos (con't.)

References
40 CFR 61.153 (con't.)

(ii) If the fabric is synthetic, whether the fill yarn is spun or not spun.

(iii) If the fabric filter device uses a felted fabric, the density in g/m^2, the minimum thickness in inches, and the airflow permeability in $m^3/min/m^2$.

(2) If a fabric filter device is used to control emissions,

(i) The airflow permeability in $m^3/min/m^2$ ($ft^3/min/ft^2$) if the fabric filter device uses a woven fabric, and, if the fabric is synthetic, whether the fill yarn is spun or not spun, and

(ii) If the fabric filter device uses a felted fabric, the density in g/m^2 (oz/yd^2), the minimum thickness in millimeters (inches), and the airflow permeability in $m^3/min/m^2$ ($ft^3/min/ft^2$).

(3) If a High Efficiency Particulate Air (HEPA) filter is used to control emissions, the certified efficiency.

(4) For sources subject to 40 CFR 61.149 and 61.150:

(i) A brief description of each process that generates asbestos-containing waste material.

(ii) The average volume of asbestos-containing waste material disposed of, measured in m^3/day (yd^3/day).

(iii) The emission control methods used in all stages of waste disposal.

(iv) The type of disposal site or incineration site used for ultimate disposal, the name of the site operator, and the name and location of the disposal site.

(5) For sources subject to 40 CFR 61.151 and 61.154:

(i) A brief description of the site.

(ii) The method or methods used to comply with the standard, or alternative procedures to be used.

Table 1
Clean Air Act

Part 5. NESHAPs For Asbestos (con't.)

References
40 CFR 61.153 (con't.)

(b) The information required by paragraph (a) of this section must accompany the information required by 40 CFR 61.10. Active waste disposal sites subject to 40 CFR 61.154 shall also comply with this provision. Roadways, demolition and renovation, spraying, and insulating materials are exempted from the requirements of 40 CFR 61.10(a). The information described in this section must be reported using the format of Appendix A of 40 CFR Part 61 as a guide.

References
40 CFR 61.154

Standard for Active Waste Disposal Sites

(e) For all asbestos-containing waste material received, the owner or operator of the active waste disposal site shall:

(1) Maintain waste shipment records, using a form similar to that shown in Figure 4 {of 40 CFR Part 61.149}, and include the following information:

(i) The name, address, and telephone number of the waste generator.

(ii) The name, address, and telephone number or the transporter(s).

(iii) The quantity of the asbestos-containing waste material in cubic meters (cubic yards).

(iv) The presence of improperly enclosed or uncovered waste, or any asbestos-containing waste material not sealed in leak-tight containers. Report in writing to the local, State, or EPA Regional office responsible for administering the asbestos NESHAP program for the waste generator (identified in the waste shipment record), and, if different, the local, State, or EPA Regional office responsible for administering the asbestos NESHAP program for the disposal site, by the following working day, the presence of a significant amount of improperly enclosed or uncovered waste. Submit a copy of the waste shipment record along with the report.

(v) The date of the receipt.

(2) As soon as possible and no longer than 30 days after receipt of the waste, send a copy of the signed waste shipment record to the waste generator.

Part 5. NESHAPs For Asbestos (con't.)

References
40 CFR 61.154 (con't.)

(3) Upon discovering a discrepancy between the quantity of waste designated on the waste shipment records and the quantity actually received, attempt to reconcile the discrepancy with the waste generator. If the discrepancy is not resolved within 15 days after receiving the waste, immediately report in writing to the local, State, or EPA Regional office responsible for administering the asbestos NESHAP program for the waste generator (identified in the waste shipment record), and, if different, the local, State, or EPA Regional office responsible for administering the asbestos NESHAP program for the disposal site. Describe the discrepancy and attempts to reconcile it, and submit a copy of the waste shipment record along with the report.

(4) Retain a copy of all records and reports required by this paragraph for at least 2 years.

(j) Notify the Administrator in writing at least 45 days prior to excavating or otherwise disturbing any asbestos-containing waste material that has been deposited at a waste disposal site and is covered. If the excavation will begin on a date other than the one contained in the original notice, notice of the new start date must be provided to the Administrator at least 10 working days before excavation begins and in no event shall excavation begin earlier than the date specified in the original notification. Include the following information in the notice:

(1) Scheduled starting and completion dates.

(2) Reason for disturbing the waste.

(3) Procedures to be used to control emissions during the excavation, storage, transport, and ultimate disposal of the excavated asbestos-containing waste material. If deemed necessary, the Administrator may require changes in the emission control procedures to be used.

(4) Location of any temporary storage site and the final disposal site.

References
40 CFR 61.155

Standard for Operations that Convert Asbestos

(g) Submit the following reports to the Administrator:

(1) A report for each analysis of product composite samples performed during the initial 90 days of operation.

Part 5. NESHAPs For Asbestos (con't.)

References	
40 CFR 61.155 (con't.)	(2) A quarterly report, including the following information concerning activities during each consecutive 3-month period: (i) Results of analyses of monthly product composite samples. (ii) A description of any deviation from the operating parameters established during performance testing, the duration of the deviation, and steps taken to correct the deviation. (iii) Disposition of any product produced during a period of deviation, including whether it was recycled, disposed of as asbestos-containing waste material, or stored temporarily on-site until analyzed for asbestos content. (iv) The information on waste disposal activities as required in 40 CFR 61.154(f).

Table 1
Clean Air Act

Part 6. NESHAPs - Radon Emissions from DOE Facilities

Authorizations
Clean Air Act, Section 118

References
40 CFR 61.190

Designation of Facilities

The provisions of this subpart apply to the design and operation of all storage and disposal facilities for radium-containing material (i.e., byproduct material as defined under Section II.e(2) of the Atomic Energy Act of 1954 (as amended)) that are owned or operated by the Department of Energy and that emit radon-222 into air, including these facilities: The Feed Materials Production Center, Fernald, Ohio; the Niagara Falls Storage Site, Lewiston, New York; the Weldon Spring Site, Weldon Spring, Missouri; the Middlesex Sampling Plant, Middlesex, New Jersey; {and} the Monticello Uranium Mill Tailings Pile, Monticello, Utah. This subpart does not apply to facilities listed in or designated by the Secretary of Energy under Title I of the Uranium Mill Tailings Control Act of 1978.

References
40 CFR 61.191

Definitions

As used in this subpart, all terms not defined here have the meaning given them in the Clean Air Act or Subpart A of {40 CFR} Part 61. The following terms shall have the following specific meanings:

(a) "Facility" means all buildings, structures and operations on one contiguous site.

(b) "Source" means any building, structure, pile, impoundment or area used for interim storage or disposal that is or contains waste material containing radium in sufficient concentration to emit radon-222 in excess of this standard prior to remedial action.

References
40 CFR 61.192

Standard

No source at a Department of Energy facility shall emit more than 20 pCi/-m^2-s of radon-222 as an average for the entire source, into the air. This requirement will be part of any Federal Facilities Agreement reached between Environmental Protection Agency and Department of Energy.

References
49 CFR 61.193

Exemptions from the Reporting and Testing Requirements

All facilities designated under this subpart are exempt from the reporting requirements of 40 CFR 61.10.

Part 7. NESHAPs - Radon Emissions from Operating Mill Tailings

Authorizations
Clean Air Act, Section 112

References
40 CFR 61.253

References
40 CFR 61.254

Determining Compliance

Compliance with the emission standard in this subpart shall be determined annually through the use of Appendix B of 40 CFR Part 61, Method 115. When measurements are to be made over a one year period, EPA shall be provided with a schedule of the measurement frequency to be used. The schedule may be submitted to EPA prior to or after the first measurement period. EPA shall be notified 30 days prior to any emissions test so that EPA may, at its option, observe the test.

Annual Reporting Requirements

(a) The owners or operators of operating existing mill impoundments shall report the results of the compliance calculations required in 40 CFR 61.253 and the input parameters used in making the calculation for each calendar year shall be sent to EPA by March 31 of the following year. Each report shall also include the following information:

(1) The name and location of the mill.

(2) The name of the person responsible for the operation of the facility and the name of the person preparing the report (if different).

(3) The results of the testing conducted, including the results of each measurement.

(4) Each report shall be signed and dated by a corporate officer in charge of the facility and contain the following declaration immediately above the signature line: "I certify under penalty of law that I have personally examined and am familiar with the information submitted herein and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment. See, 18 U.S.C. 1001."

(b) If the facility is not in compliance with the emission limits of 40 CFR 61.252 in the calendar year covered by the report, then the facility must commence reporting to the Administrator on a monthly basis the information listed in paragraph (a) of this section, for the preceding month. These reports will start the month immediately following the submittal of the annual report for the year in noncompliance and will be due 30 days following the end of each month. This increased level of reporting will continue until the Administrator has determined that the monthly reports are no longer necessary.

Part 7. NESHAPs - Radon Emissions from Operating Mill Tailings (con't)

References
40 CFR 61.254 (con't.)

In addition to all the information required in paragraph (a) of this section, monthly reports shall also include the following information:

(1) All controls or other changes in operation of the facility that will be or are being installed to bring the facility into compliance.

(2) If the facility is under a judicial or administrative enforcement decree, the report will describe the facilities performance under the terms of the decree.

(c) The first report will cover the emissions of calendar year 1990.

References
40 CFR 61.256

Exemption from the Reporting and Testing Requirements

All facilities designated under this subpart are exempt from the reporting requirements of 40 CFR 61.10.

Table 1
Clean Air Act

Part 8. NESHAPs - Radon Emissions from the Disposal of Uranium Mill Tailings

Authorizations
Clean Air Act, Section 112

References
40 CFR 61.220

Designation of Facilities

(a) The provisions of this subpart apply to the owners and operators of all sites that are used for the disposal of tailings, and that managed residual radioactive material or uranium byproduct materials during and following the processing of uranium ores, commonly referred to as uranium mills and their associated tailings, that are listed in, or designated by the Secretary of Energy under Title 1 of the Uranium Mill Tailings Control Act of 1978 or regulated under Title II of the Uranium Mill Tailings Control Act of 1978.

References
40 CFR 61.221

Definitions

As used in this subpart, all terms not defined here have the meaning given them in the Clean Air Act or Subpart A of 40 CFR Part 61. The following terms shall have the following specific meanings:

(a) Long-term stabilization means the addition of material on a uranium mill tailings pile for the purpose of ensuring compliance with the requirements of 40 CFR 192.02(a). These actions shall be considered complete when the Nuclear Regulatory Commission determines that the requirements of 40 CFR 192.02(a) have been met.

(b) Operational means a uranium mill tailings pile that is licensed to accept additional tailings, and those tailings can be added without violating Subpart W or any other Federal, state or local rule or law. A pile cannot be considered operational if it is filled to capacity or the mill it accepts tailings from has been dismantled or otherwise decommissioned.

(c) Uranium byproduct material or tailings means the waste produced by the extraction or concentration of uranium from any ore processed primarily for its source material content. Ore bodies depleted by uranium solution extraction and which remain underground do not constitute byproduct material for the purposes of this subpart.

References
40 CFR 61.222

Standard

(a) Radon-222 emissions to the ambient air from uranium mill tailings piles that are no longer operational shall not exceed 20 pCi/m^2-s of radon-222.

(b) Once a uranium mill tailings pile or impoundment ceases to be operational it must be disposed of and brought into compliance with this standard within two years of the effective date or within two years of the day it ceases to be

References
40 CFR 61.222 (con't.)

operational whichever is later. If it is not physically possible for a mill owner or operator to complete disposal within that time, EPA shall, after consultation with the mill owner or operator, establish a compliance agreement which will assure that disposal will be completed as quickly as possible.

References
40 CFR 61.223

Compliance Procedures

(a) Sixty days following the completion of covering the pile to limit radon emissions but prior to the long-term stabilization of the pile, the owners or operators of uranium mill tailings shall conduct testing for all piles within the facility in accordance with the procedures described in 40 CFR Part 61, Appendix B, Method 115, or other procedures for which EPA has granted prior approval.

(b) Ninety days after the testing is required, each facility shall provide EPA with a report detailing the actions taken and the results of the radon-222 flux testing. EPA shall be notified at least 30 days prior to an emission test so that EPA may, at its option, observe the test. If meteorological conditions are such that a test cannot be properly conducted, then the owner or operator shall notify EPA and test as soon as conditions permit. Each report shall also include the following information:

(1) The name and location of the facility.

(2) A list of the piles at the facility.

(3) A description of the control measures taken to decrease the radon flux from the source and any actions taken to insure the long-term effectiveness of the control measures.

(4) The results of the testing conducted, including the results of each measurement.

(5) Each report shall be signed and dated by a corporate officer or public official in charge of the facility and contain the following declaration immediately above the signature line: "I certify under penalty of law that I have personally examined and am familiar with the information submitted herein and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment. See, 18 U.S.C. 1001."

Part 8. NESHAPs - Radon Emissions from the Disposal of Uranium Mill Tailings (con't.)

References
40 CFR 61.223 (con't.)

(c) If year-long measurements are made in accordance with Method 115 of Appendix B of 40 CFR Part 61, this report shall include the results of the first measurement period and provide a schedule for the measurement frequency to be used. An additional report shall be submitted ninety days after completion of the final measurements.

References
40 CFR 61.225

Exemption from the Reporting and Testing Requirements

All facilities designated under this subpart are exempt from the reporting requirements of 40 CFR 61.10.

Table 1
Clean Air Act

Part 9. NESHAPs - Equipment Leaks (Fugitive Emission Sources)

Authorizations
Clean Air Act, Section 112

References
40 CFR 61.240

Applicability and Designation of Sources

(a) The provisions of this subpart apply to each of the following sources that are intended to operate in volatile hazardous air pollutant (VHAP) service: pumps; compressors; pressure relief devices; sampling connection systems; open-ended valves or lines; valves, flanges and other connectors; product accumulator vessels; and control devices or systems required by this subpart.

(b) The provisions of this subpart apply to the sources listed in paragraph (a) after the date of promulgation of a specific subpart in 40 CFR Part 61.

(c) While the provisions of this subpart are effective, a source to which this subpart applies that is also subject to the provisions of 40 CFR Part 60 only will be required to comply with the provisions of this subpart.

References
40 CFR 61.247

Reporting Requirements

(a) (1) An owner or operator of any piece of equipment to which this subpart applies shall submit a statement in writing notifying the Administrator that the requirements of 40 CFR 61.242, 61.245, 61.246, and 61.247 are being implemented.

(2) In the case of an existing source or a new source which has an initial startup date preceding the effective date, the statement is to be submitted within 90 days of the effective date, unless a waiver of compliance is granted under 40 CFR 61.11, along with the information required under 40 CFR 61.10. If a waiver of compliance is granted, the statement is to be submitted on a date scheduled by the Administrator.

(3) In the case of new sources which did not have an initial startup date preceding the effective date, the statement shall be submitted with the application for approval of construction, as described in 40 CFR 61.07.

(4) The statement is to contain the following information for each source:

(i) Equipment identification number and process unit identification.

(ii) Type of equipment (for example, a pump or pipeline valve).

References
40 CFR 61.247 (con't.)

(iii) Percent by weight VHAP in the fluid at the equipment.

(iv) Process fluid state at the equipment (gas/vapor or liquid).

(v) Method of compliance with the standard (for example, "monthly leak detection and repair" or "equipped with dual mechanical seals").

(b) A report shall be submitted to the Administrator semiannually starting 6 months after the initial report required in paragraph (a) of this section, that includes the following information:

(1) Process unit identification.

(2) For each month during the semiannual reporting period:

(i) Number of valves for which leaks were detected as described in 40 CFR 61.242-7(b) {or} 40 CFR 61.243-2.

(ii) Number of valves for which leaks were not repaired as required in 40 CFR 61.242-7(d).

(iii) Number of pumps for which leaks were detected as described in 40 CFR 61.242-2(b) and (d)(6).

(iv) Number of pumps for which leaks were not repaired as required in 40 CFR 61.242-2(c) and (d)(6).

(v) Number of compressors for which leaks were detected as described in 40 CFR 61.242-3(f).

(vi) Number of compressors for which leaks were not repaired as required in 40 CFR 61.242-3(g).

(vii) The facts that explain any delay of repairs and, where appropriate, why a process unit shutdown was technically infeasible.

(3) Dates of process unit shutdowns which occurred within the semiannual reporting period.

Table 1
Clean Air Act

Part 9. NESHAPs - Equipment Leaks (Fugitive Emission Sources) (con't.)

References
40 CFR 61.247 (con't.)

(4) Revisions to items reported according to paragraph (a) if changes have occurred since the initial report or subsequent revisions to the initial report.

Note: Compliance with the requirements of 40 CFR 61.10(c) is not required for revisions documented under this paragraph.

(5) The results of all performance tests and monitoring to determine compliance with no detectable emissions and with 40 CFR 61.243-1 and 61.243-2 conducted within the semiannual reporting period.

(c) In the first report submitted as required in paragraph (a) of this section, the report shall include a reporting schedule stating the months that semiannual reports shall be submitted. Subsequent reports shall be submitted according to that schedule, unless a revised schedule has been submitted in a previous semiannual report.

(d) An owner or operator electing to comply with the provisions of 40 CFR 61.243-1 and 61.243-2 shall notify the Administrator of the alternative standard selected 90 days before implementing either of the provisions.

(e) An application for approval of construction or modification, 40 CFR 61.05(a) and 61.07, will not be required if:

(1) The new source complies with the standard, 40 CFR 61.242,

(2) The new source is not part of the construction of a process unit, and

(3) In the next semiannual report required by paragraph (b) of this section, the information in paragraph (a)(4) of this section is reported.

Chapter 2. The Comprehensive Environmental Response, Compensation, and Liability Act

Purpose and Organization

Congress passed the *Comprehensive Environmental Response, Compensation, and Liability Act* of 1980 (CERCLA, also known as "Superfund") in response to a growing national concern about the release of hazardous substances to the environment. *The Superfund Amendments and Reauthorization Act* of 1986 (SARA), signed by President Reagan on October 17, 1986, amended many provisions of CERCLA. SARA has been the only major revision of CERCLA since its enactment in 1980.

CERCLA provides for liability, compensation, cleanup, and emergency response for hazardous substances released into the environment and for the cleanup of inactive hazardous waste disposal sites. CERCLA [Section 101(14)] defines *hazardous substances* as:

(A) any substance designated pursuant to Section 311(b)(2)(A) of the Federal Water Pollution Control Act,
(B) any element, compound, mixture, solution, or substance designated pursuant to Section 102 of {CERCLA},
(C) any hazardous waste having the characteristics identified under or listed pursuant to Section 3001 of the Solid Waste Disposal Act (but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by Act of Congress),
(D) any toxic pollutant listed under Section 307(a) of the Federal Water Pollution Control Act,
(E) any hazardous air pollutant listed under Section 112 of the Clean Air Act, and
(F) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to Section 7 of the Toxic Substances Control Act.

Releases of source, byproduct, or special nuclear material from a nuclear incident are excluded from CERCLA requirements if the releases are subject to the financial protection requirements of the *Atomic Energy Act.* Releases of source, special nuclear, or byproduct materials from a processing site designated by the *Uranium Mill Tailings Radiation Control Act* of 1978 are also excluded [CERCLA Section 101(22)].

CERCLA intends to provide for response to, and cleanup of, environmental problems that are not covered adequately by the permit programs of the many other environmental laws--*Clean Air Act; Clean Water Act; Safe Drinking Water Act; Marine Protection, Research, and Sanctuaries Act; Resource Conservation and Recovery Act;* and the *Atomic Energy Act*. In general, if a release to the environment constitutes a "Federally permitted release," as defined by Section 101(1) of CERCLA, the release is not subject to CERCLA reporting or liability provisions. However, if the release exceeds the permitted limit for a specific substance by the reportable quantity of that substance or more, occurs more frequently than the permit stipulates, or is otherwise out of compliance with the permit, then the release is subject to CERCLA reporting and liability provisions.

The Office of Environmental Policy and Assistance, RCRA/CERCLA Division (EH-413) has developed two guidance products to aid field personnel responsible for hazardous substance releases. The first is a graphical guidance document entitled "Hazardous Substance Release Reporting under CERCLA, EPCRA Section 304, & DOE Emergency Management System/Occurrence Reporting System." The second is the RQ•Calculator, a user-friendly, HyperText-based computer program designed to assist field personnel in determining instances where a release has occurred that exceeds the reportable quantity for specified hazardous substances.

National Priorities List and Hazard Ranking System

CERCLA, as amended by SARA, provides for a fund, called the Superfund, that the Environmental Protection Agency (EPA) or State and local governments

can use to pay for the cleanup of hazardous waste sites listed on the National priorities List (NPL). The NPL, compiled by the EPA, lists those sites, including Federally-owned facilities, that appear to pose the most serious threats to human health or the environment. The EPA determines whether or not to place a site on the NPL by using the hazard ranking system (HRS). Under the HRS, pertinent data about a site are evaluated and "scored." A site may receive scores for items such as waste volume, waste toxicity, distance to population, and distance to underground drinking water. The cleanup of sites must conform to the EPA's National Oil and Hazardous Substances Pollution Contingency Plan (NCP), the operating rules for Superfund cleanups promulgated by EPA under Section 105(a)(8)(B) of CERCLA. The NPL is dynamic. As HRS studies are performed, releases and waste sites may be removed or added to the NPL list. As of January 20, 1993, the NPL included 1,205 final sites (123 in the Federal sector) and 28 proposed sites (three of which are Federal sites).

If liability for the release of a hazardous substance can be firmly established, the liable or "potentially responsible party" (PRP) must pay for the cost of remedial responses. Generally, funds from the Superfund do not go towards paying for the clean up of releases from Federally owned facilities [Section 111(e)(3)] except to provide alternative water supplies in cases involving groundwater contamination outside the boundaries of a Federally owned facility if the Federally owned facility is not the only PRP.

Under Section 120 of CERCLA, each department, agency, and instrumentality of the United States is subject to, and must comply with, CERCLA in the same manner as any nongovernmental entity (except for requirements for bonding, insurance, financial responsibility, or applicable time period).

Superfund Process

The Superfund process includes the following steps:

- ***Preliminary assessment*** **~** EPA performs a preliminary assessment (PA) of a site (often a review of data without an actual site visit) to determine if further study is necessary.

- ***Site inspection*** **~** A site inspection (SI) is an on-site investigation conducted to determine if there is a release or potential release and to evaluate the nature of the associated threats.

- ***Remedial investigation*** **~** A remedial investigation (RI), conducted by the lead agency, determines the nature and extent of the problem presented by the release.

- ***Feasibility study*** **~** The lead agency undertakes a feasibility study (FS) to develop and evaluate options for remedial action. The remedial investigation and feasibility study are collectively referred to as the "RI/FS."

- ***Record of Decision*** **~** After completing the RI/FS, EPA selects the appropriate cleanup option and publishes it in a public document known as the Record of Decision (ROD).

- ***Remedial design*** **~** The remedial design includes the technical analysis and procedures that follow the selection of a remedy for a site.

- ***Remedial action*** **~** The remedial action involves the actual construction or implementation of a cleanup.

In general, the proposed remedy for a site must meet two threshold criteria: (1) to protect human health and the environment and (2) to comply with "applicable or relevant and appropriate requirements" (ARARs). Federal and/or State requirements are considered "applicable" if they are "...based upon an objective determination of whether the requirement specifically addresses a hazardous substance, pollutant, contaminant, remedial action, location, or other circumstance found at a CERCLA site" [40 CFR Part 300(g)(1)].

Natural Resource Damage Assessment

Under CERCLA, as amended by SARA and implemented by the NCP, Federal or State officials appointed as trustees for the public can assess damages "...for injury to, destruction of, or loss of natural resources..." The claim is made for the value of the "residual" injury that was not or could not be addressed by the selected remedy. As a Natural Resources (NR) Trustee for resources on, over, or under land that DOE manages, DOE has a broad responsibility for the physical and biological environment under its jurisdiction. To assist DOE Program and Field Organizations in understanding and meeting their NR Trustee responsibilities, the RCRA/CERCLA Division of the Office of Environmental Policy and Assistance (EH-413) has prepared guidance on this topic, *Natural Resource Trusteeship and Ecological Evaluation for Environmental*

Restoration at Department of Energy Facilities, DOE/EH-0192, June 1991.

Notification and Reporting Requirements

The following reporting requirements apply under CERCLA:

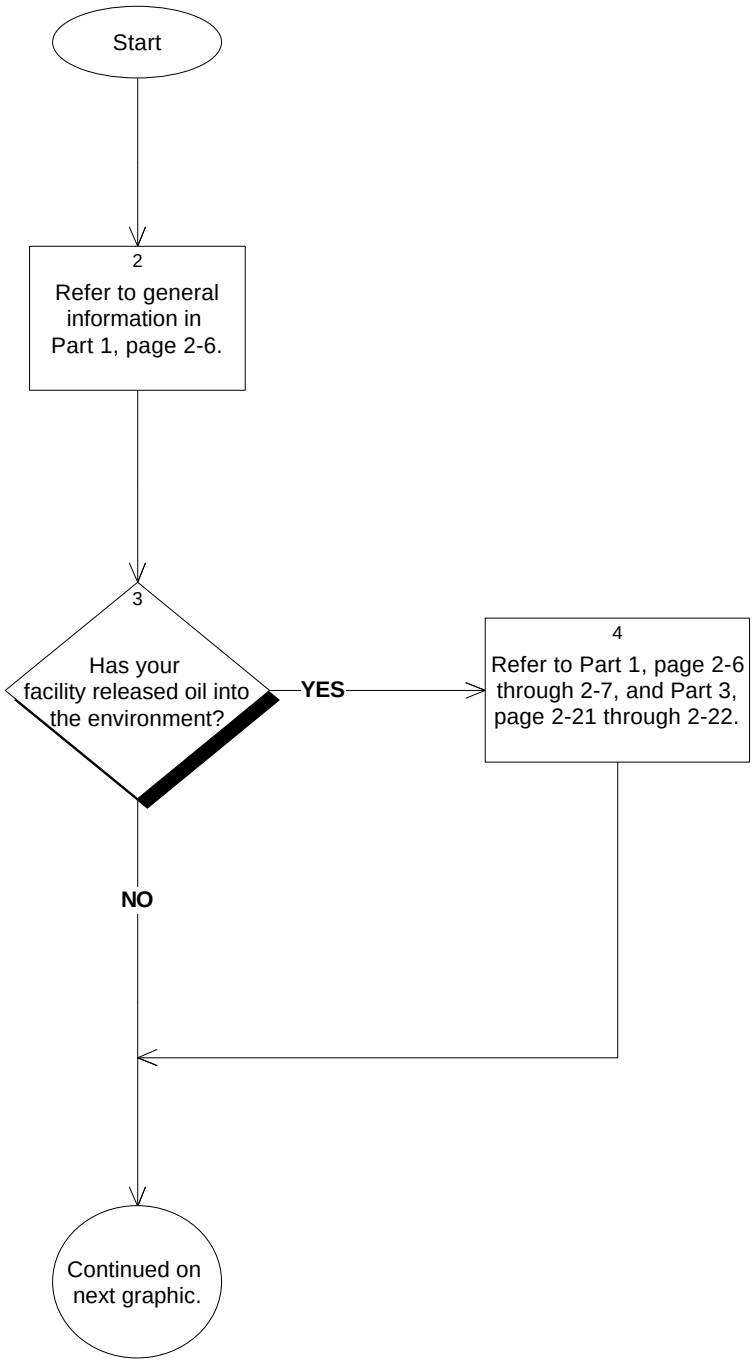
- Any person in charge of a vessel or an offshore or onshore facility shall notify the NRC of any release of a hazardous substance that equals or exceeds the reportable quantity.

- The appropriate individual shall promptly notify Federal and State natural resource trustees of potential damages to natural resources under investigation.

- In the event of a natural resource emergency, the natural resource trustee shall contact the NRC.

Figure 2 guides the user to the various CERCLA notification and reporting requirements conveyed in this chapter that are relevant to a DOE facility or situation.

Figure 2: Comprehensive Environmental Response, Compensation, and Liability Act



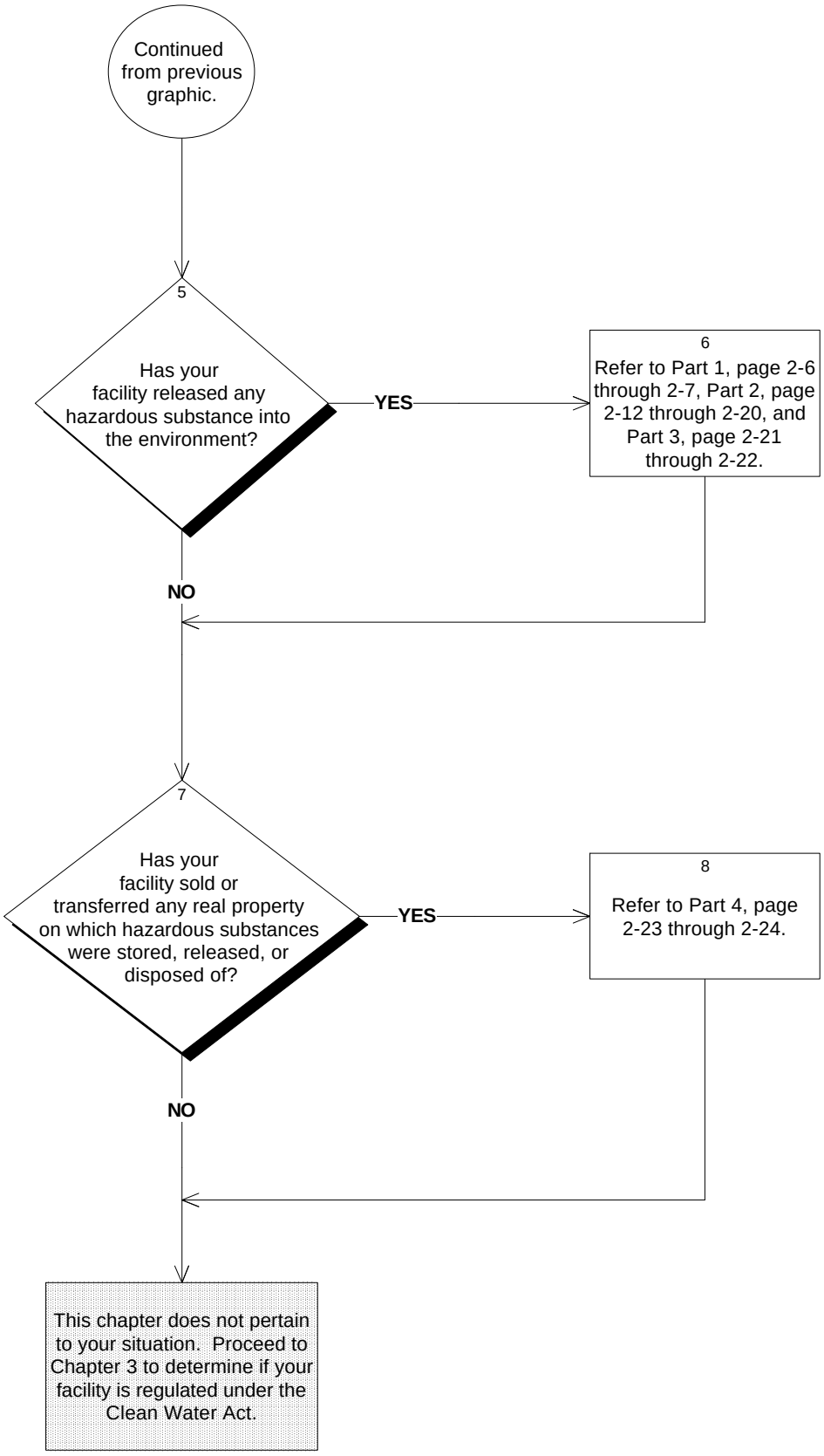

Continued from previous graphic.
5
Has your facility released any hazardous substance into the environment?
YES
6
Refer to Part 1, page 2-6 through 2-7, Part 2, page 2-12 through 2-20, and Part 3, page 2-21 through 2-22.
NO
7
Has your facility sold or transferred any real property on which hazardous substances were stored, released, or disposed of?
YES
8
Refer to Part 4, page 2-23 through 2-24.
NO
This chapter does not pertain to your situation. Proceed to Chapter 3 to determine if your facility is regulated under the Clean Water Act.

Table 2
Comprehensive Environmental Response, Compensation, and Liability Act

Part 1. National Oil and Hazardous Substances Pollution Contingency Plan

Authorizations
CERCLA, Section 205
Clean Water Act, Section 311(c)(2)

References
40 CFR 300.125

Notification and Communications

(a) The National Response Center (NRC), located at United States Coast Guard (USCG) Headquarters (HQ), is the national communications center, continuously manned for handling activities related to response actions. The NRC acts as the single point of contact for all pollution incident reporting, and as the National Response Team (NRT) communications center. Notice of discharges must be made telephonically through a toll free number or a special local number (Telecommunication Device for the Deaf (TDD) and collect calls accepted). The NRC receives and immediately relays telephone notices of discharges or releases to the appropriate predesignated Federal On-scene Coordinator (OSC). The telephone report is distributed to any interested NRT member agency or Federal entity that has established a written agreement or understanding with the NRC. The NRC evaluates incoming information and immediately advises the Federal Emergency Management Agency (FEMA) of a potential major disaster or evacuation situation.

(c) Notice of an oil discharge or release of a hazardous substance in an amount equal to or greater than the reportable quantity (RQ) must be made immediately in accordance with 33 CFR Part 153, Subpart B, and 40 CFR Part 302, respectively. Notification shall be made to the NRC Duty Officer, HQ USCG, Washington, DC, telephone (800) 424-8802 or (202) 267-2675. All notices of discharges or releases received at the NRC will be relayed immediately by telephone to the OSC.

References
40 CFR 300.170

Federal Agency Participation

(c) All Federal agencies are responsible for reporting releases of hazardous substances from facilities or vessels under their jurisdiction or control in accordance with Section 103 of CERCLA.

(d) All Federal agencies are encouraged to report releases of pollutants or contaminants or discharges of oil from vessels under their jurisdiction or control to the NRC.

References
40 CFR 300.300

Operational Response Phases for Oil Removal - Phase I - Discovery or Notification

(a) A discharge of oil may be discovered through:

(1) A report submitted by the person in charge of a vessel or facility, in accordance with statutory requirements.

Table 2
Comprehensive Environmental Response, Compensation, and Liability Act

Part 1. National Oil and Hazardous Substances Pollution Contingency Plan (con't.)

References
40 CFR 300.300 (con't.)

(2) Deliberate search by patrols.

(3) Random or incidental observation by government agencies or the public.

(4) Other sources.

(b) Any person in charge of a vessel or a facility shall, as soon as he or she has knowledge of any discharge from such vessel or facility in violation of Section 311(b)(3) of the Clean Water Act, immediately notify the NRC. If direct reporting to the NRC is not practicable, reports may be made to the USCG or EPA predesignated On-Scene Coordinator (OSC) for the geographic area where the discharge occurs. The Environmental Protection Agency (EPA) predesignated OSC may also be contacted through the regional 24-hour emergency response telephone number. All such reports shall be promptly relayed to the NRC. If it is not possible to notify the NRC or predesignated OSC immediately, reports may be made immediately to the nearest Coast Guard unit. In any event, such person in charge of the vessel or facility shall notify the NRC as soon as possible.

(c) Any other person shall, as appropriate, notify the NRC of a discharge of oil.

(d) Upon receipt of a notification of discharge, the NRC shall promptly notify the OSC. The OSC shall proceed with the following phases as outlined in the Regional Contingency Plan (RCP) and OSC contingency plan.

References
40 CFR 300.305

Operational Response Phases for Oil Removal - Phase II: Preliminary Assessment and Initiation of Action

(d) If natural resources are or may be injured by the discharge, the OSC shall ensure that State and Federal trustees of affected natural resources are promptly notified in order that the trustees may initiate appropriate actions, including those identified in Subpart G of Part 300, Trustees for Natural Resources. The OSC shall seek to coordinate assessments, evaluations, investigations, and planning with State and Federal trustees.

Table 2
Comprehensive Environmental Response, Compensation, and Liability Act

Part 1. National Oil and Hazardous Substances Pollution Contingency Plan (con't.)

References
40 CFR 300.405

Hazardous Substance Response - Discovery or Notification

(a) A release may be discovered through:

(1) A report submitted in accordance with Section 103(a) of CERCLA (i.e., reportable quantities codified at 40 CFR Part 302),

(2) A report submitted to EPA in accordance with Section 103(c) of CERCLA,

(3) Investigation by government authorities conducted in accordance with Section 104(e) of CERCLA or other statutory authority,

(4) Notification of a release by a Federal or State permit holder when required by its permit,

(5) Inventory or survey efforts or random or incidental observation reported by government agencies or the public,

(6) Submission of a citizen petition to EPA or the appropriate Federal facility requesting a preliminary assessment, in accordance with Section 105(d) of CERCLA, and

(7) Other sources.

(b) Any person in charge of a vessel or a facility shall report releases as described in paragraph (a)(1) of this section to the NRC. If direct reporting to the NRC is not practicable, reports may be made to the USCG on-scene coordinator for the geographic area where the release occurs. The EPA predesignated OSC may also be contacted through the regional 24-hour emergency response telephone number. All such reports shall be promptly relayed to the NRC. If it is not possible to notify the NRC or predesignated OSC immediately, reports may be made immediately to the nearest USCG unit. In any event, such person in charge of the vessel or facility shall notify the NRC as soon as possible.

(c) All other reports of releases described under paragraph (a) of this section, except releases reported under paragraphs (a)(2) and (6) of this section, shall, as appropriate, be made to the NRC.

(d) The NRC will generally need information that will help to characterize the release. This will include, but not be limited

Table 2
Comprehensive Environmental Response, Compensation, and Liability Act

Part 1. National Oil and Hazardous Substances Pollution Contingency Plan (con't.)

References
40 CFR 300.405 (con't.)

to: Location of the release; type(s) of material(s) released; an estimate of the quantity of material released; possible source of the release; and date and time of the release. Reporting under paragraphs (b) and (c) of this section shall not be delayed due to incomplete notification information.

(e) Upon receipt of a notification of a release, the NRC shall promptly notify the appropriate OSC. The OSC shall notify the Governor, or designee, of the State affected by the release.

(f) When the OSC is notified of a release that may require response pursuant to 40 CFR 300.415(b), a removal site evaluation shall, as appropriate, be promptly undertaken pursuant to 40 CFR 300.410.

(1) When notification indicates that removal action pursuant to 40 CFR 300.415(b) is not required, a remedial site evaluation shall, if appropriate, be undertaken by the lead agency pursuant to 40 CFR 300.420, if one has not already been performed.

(2) If radioactive substances are present in a release, the EPA Radiological Response Coordinator should be notified for evaluation and assistance, consistent with 40 CFR 300.130(f) and 300.145(f).

(g) Release notification made to the NRC under this section does not relieve the owner/operator of a facility from any obligations to which it is subject under SARA Title III or State law. In particular, it does not relieve the owner/operator from the requirements of Section 304 of SARA Title III and 40 CFR Part 355 and 40 CFR 300.215(f) for notifying the community emergency coordinator for the appropriate local emergency planning committee of all affected areas and the State Emergency Response Commission of any State affected that there has been a release. Federal agencies must comply with SARA Title III as required by Executive Order 12856, Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements.

References
40 CFR 300.420

Hazardous Substance Response - Remedial Site Evaluation

(b) (4) In performing a remedial Preliminary Assessment (PA), the lead agency may complete the EPA form, available from EPA regional offices, or its equivalent, and shall prepare a PA report, which shall include:

(i) A description of the release.

Table 2
Comprehensive Environmental Response, Compensation, and Liability Act

Part 1. National Oil and Hazardous Substances Pollution Contingency Plan (con't.)

References
40 CFR 300.420 (con't.)

(ii) A description of the probable nature of the release.

(iii) A recommendation on whether further action is warranted, which lead agency should conduct further action, and whether an SI or removal action or both should be undertaken.

(5) Any person may petition the lead Federal agency (EPA or the appropriate Federal agency in the case of a release or suspected release from a Federal facility) to perform a PA of a release when such person is, or may be, affected by a release of a hazardous substance, pollutant, or contaminant. Such petitions shall be addressed to the EPA Regional Administrator for the region in which the release is located, except that petitions for PAs involving Federal facilities should be addressed to the head of the appropriate Federal agency.

(i) Petitions shall be signed by the petitioner and shall contain the following:

(A) The full name, address, and phone number of petitioner.

(B) A description, as precisely as possible, of the location of the release.

(C) How the petitioner is or may be affected by the release.

(ii) Petitions should also contain the following information to the extent available:

(A) What type of substances were or may be released.

(B) The nature of activities that have occurred where the release is located.

(C) Whether local and State authorities have been contacted about the release.

(iii) The lead Federal agency shall complete a remedial or removal PA within one year of the date of receipt of a complete petition pursuant to paragraph (b)(5) of 40 CFR 300.420, if one has not been performed previously, unless the lead Federal agency determines that a PA is not appropriate. Where such a determination is made, the lead Federal agency shall notify the petitioner and will provide a reason for the determination.

Table 2
Comprehensive Environmental Response, Compensation, and Liability Act

Part 1. National Oil and Hazardous Substances Pollution Contingency Plan (con't.)

References
40 CFR 300.420 (con't.)

(iv) When determining if performance of a PA is appropriate, the lead Federal agency shall take into consideration:

(A) Whether there is information indicating that a release has occurred or there is a threat of a release of a hazardous substance, pollutant, or contaminant.

(B) Whether the release is eligible for response under CERCLA.

(C) Remedial site inspection.

(c) (5) Upon completion of a remedial site investigation, the lead agency shall prepare a report that includes the following:

(i) A description/history/nature of waste handling.

(ii) A description of known contaminants.

(iii) A description of pathways of migration of contaminants.

(iv) An identification and description of human and environmental targets.

(v) A recommendation on whether further action is warranted.

References
40 CFR 300.430

Hazardous Substance Response - Remedial Investigation/Feasibility Study and Selection of Remedy

(b) (7) If natural resources are or may be injured by the release, ensure that State and Federal trustees of the affected natural resources have been notified in order that the trustees may initiate appropriate actions, including those identified in Subpart G of 40 CFR Part 300. The lead agency shall seek to coordinate necessary assessments, evaluations, investigations, and planning with such State and Federal trustees.

(e) (8) The lead agency shall notify the support agency of the alternatives that will be evaluated in detail to facilitate the identification of {Applicable or Relevant & Appropriate Requirements} (ARARs) and, as appropriate, pertinent advisories, criteria, or guidance to be considered.

Table 2
Comprehensive Environmental Response, Compensation, and Liability Act

Part 2. Designation, Reportable Quantities, and Notification

Authorizations
CERCLA, Section 102(a)
Clean Water Act, Section 311(b)(2)(A)

References
40 CFR 302.6

Notification Requirements

(a) Any person in charge of a vessel or an offshore or an onshore facility shall, as soon as he has knowledge of any release (other than a Federally permitted release or application of a pesticide) of a hazardous substance from such vessel or facility in a quantity equal to or exceeding the reportable quantity determined by this part in any 24-hour period, immediately notify the National Response Center [(800) 424-8802; in Washington, D.C. (202) 426-2675].

(b) Releases of mixtures or solutions of

(1) Hazardous substances, except for radionuclides, are subject to this section's notification requirements only where a component hazardous substance of the mixture or solution is released in a quantity equal to or greater than its RQ.

(i) If the quantity of all of the hazardous constituent(s) of the mixture or solution is known, notification is required where an RQ or more of any hazardous constituent is released; or

(ii) If the quantity of one or more of the hazardous constituent(s) of the mixture or solution is unknown, notification is required where the total amount of the mixture or solution released equals or exceeds the RQ for the hazardous constituent with the lowest RQ.

(2) Radionuclides are subject to this section's notification requirements only in the following circumstances:

(i) If the identity and quantity (in curies) of each radionuclide in a released mixture or solution is known, the ratio between the quantity released (in curies) and the RQ for the radionuclide must be determined for each radionuclide. The only such releases subject to this section's notification requirements are those in which the sum of the ratios for the radionuclides in the mixture or solution released is equal to or greater than one.

(ii) If the identity of each radionuclide in a released mixture or solution is known but the quantity released (in curies) of one or more of the radionuclides is unknown, the only such releases subject to this section's notification requirements are those in which the total quantity (in curies) of the mixture or solution released is equal to or greater than the lowest RQ of any individual radionuclide in the mixture or solution.

(iii) If the identity of one or more radionuclides in a released mixture or solution is unknown (or if the identity

Table 2
Comprehensive Environmental Response, Compensation, and Liability Act

Part 2. Designation, Reportable Quantities, and Notification (con't.)

References
40 CFR 302.6 (con't.)

of a radionuclide released by itself is unknown), the only such releases subject to this section's notification requirements are those in which the total quantity (in curies) released is equal to or greater than either one curie or the lowest RQ of any known individual radionuclide in the mixture or solution, whichever is lower.

(c) The following categories of releases are exempt from the notification requirements of this section:

(1) Releases of those radionuclides that occur naturally in the soil from land holdings such as parks, golf courses, or other large tracts of land.

(2) Releases of radionuclides occurring naturally from the disturbance of land for purposes other than mining, such as for agricultural or construction activities.

(3) Releases of radionuclides from the dumping of coal and coal ash at utility and industrial facilities with coal-fired boilers.

(4) Releases of radionuclides from coal and coal ash piles at utility and industrial facilities with coal-fired boilers.

(d) Except for releases of radionuclides, notification of the release of an RQ of solid particles of antimony, arsenic, beryllium cadmium, chromium, copper, lead, nickel, selenium, silver, thallium, or zinc is not required if the mean diameter of the particles released is larger than 100 micrometers (0.004 inches).

References
40 CFR 302.8

Continuous Releases

(a) Except as provided in paragraph (c) of this section, no notification is required for any release of a hazardous substance that is, pursuant to the definitions in paragraph (b) of this section, continuous and stable in quantity and rate.

(b) "Definitions." The following definitions apply to notification of continuous releases:

(1) "Continuous."A continuous release is a release that occurs without interruption or abatement or that is routine, anticipated, and intermittent and incidental to normal operations or treatment processes.

(2) "Normal range." The normal range of a release is all releases (in pounds or kilograms) of a hazardous substance

References
40 CFR 302.8 (con't.)

reported or occurring over any 24-hour period under normal operating conditions during the preceding year. Only releases that are both continuous and stable in quantity and rate may be included in the normal range.

(3) "Routine." A routine release is a release that occurs during normal operating procedures or processes.

(4) "Stable in quantity and rate." A release that is stable in quantity and rate is a release that is predictable and regular in amount and rate of emission.

(5) "Statistically significant increase." A statistically significant increase in a release is an increase in the quantity of the hazardous substance released above the upper bound of the reported normal range of the release.

(c) The following notifications shall be given for any release qualifying for reduced reporting under this section:

(1) Initial telephone notification.

(2) Initial written notification within 30 days of the initial telephone notification.

(3) Follow-up notification within 30 days of the first anniversary date of the initial written notification:

(4) Notification of a change in the composition or source(s) of the release or in the other information submitted in the initial written notification of the release under paragraph (c)(2) of this section or the follow-up notification under paragraph (c)(3) of this section.

(5) Notification at such times as an increase in the quantity of the hazardous substance being released during any 24-hour period represents a statistically significant increase as defined in paragraph (b) of this section.

(d) Prior to making an initial telephone notification of a continuous release, the person in charge of a facility or vessel must establish a sound basis for qualifying the release for reporting under CERCLA Section 103(f)(2) by:

(1) Using release data, engineering estimates, knowledge of operating procedures, or best professional judgment to establish the continuity and stability of the release,

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Part 2. Designation, Reportable Quantities, and Notification (con't.)

References
40 CFR 302.8 (con't.)

(2) Reporting the release to the NRC for a period sufficient to establish the continuity and stability of the release, or

(3) When a person in charge of the facility or vessel believes that a basis has been established to qualify the release for reduced reporting under this section, initial notification to the National Response Center shall be made by telephone. The person in charge must identify the notification as an initial continuous release notification report and provide the following information:

(i) The name and location of the facility or vessel.

(ii) The name(s) and identity(ies) of the hazardous substance(s) being released.

(e) Initial written notification of a continuous release shall be made to appropriate EPA Regional Office for the geographical area where the releasing facility or vessel is located. (Note: In addition to the requirements of this part, releases of CERCLA hazardous substances are also subject to the provisions of SARA Title III Section 304, and EPA's implementing regulations codified at 40 CFR Part 355, which require initial telephone and written notifications of continuous releases to be submitted to the appropriate State emergency response commission and local emergency planning committee.)

(1) Initial written notification to the appropriate EPA Regional Office shall occur within 30 days of the initial telephone notification to the NRC, and shall include, for each release for which reduced reporting as a continuous release is claimed, the following information:

(i) The name of the facility or vessel; the location, including the latitude and longitude; the case number assigned by the NRC or the Environmental Protection Agency; the Dun and Bradstreet number of the facility, if available; the port of registration of the vessel; the name and telephone number of the person in charge of the facility or vessel.

(ii) The population density within a one-mile radius of the facility or vessel, described in terms of the following ranges: 0-50 persons, 51-100 persons, 101-500 persons, 501-1,000 persons, more than 1,000 persons.

(iii) The identity and location of sensitive populations and ecosystems within a one-mile radius of the facility or vessel (e.g., elementary schools, hospitals, retirement communities, or wetlands).

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(iv) For each hazardous substance release claimed to qualify for reporting under CERCLA Section 103(f)(2), the following information must be supplied:

(A) The name/identity of the hazardous substance; the Chemical Abstracts Service Registry Number for the substance (if available); and if the substance being released is a mixture, the components of the mixture and their approximate concentrations and quantities, by weight.

(B) The upper and lower bounds of the normal range of the release (in pounds or kilograms) over the previous year.

(C) The source(s) of the release (e.g., valves, pump seals, storage tank vents, stacks). If the release is from a stack, the stack height (in feet or meters).

(D) The frequency of the release and the fraction of the release from each release source and the specific period over which it occurs.

(E) A brief statement describing the basis for stating that the release is continuous and stable in quantity and rate.

(F) An estimate of the total annual amount that was released in the previous year (in pounds or kilograms).

(G) The environmental medium affected by the release:

(1.) If surface water, the name of the surface water body.

(2.) If a stream, the stream order or average flow rate (in cubic feet/second) and designated use.

(3.) If a lake, the surface area (in acres) and average depth (in feet or meters).

(4.) If on or under ground, the location of public water supply wells within two miles.

Part 2. Designation, Reportable Quantities, and Notification (con't.)

References
40 CFR 302.8 (con't.)

(H) A signed statement that the hazardous substance release(s) described is (are) continuous and stable in quantity and rate under the definitions in paragraph (a) of this section and that all reported information is accurate and current to the best knowledge of the person in charge.

(f) Within 30 days of the first anniversary date of the initial written notification, the person in charge of the facility or vessel shall evaluate each hazardous substance release reported to verify and update the information submitted in the initial written notification. The follow-up notification shall include the following information:

(1) The name of the facility or vessel; the location, including the latitude and longitude; the case number assigned by the NRC or the EPA; the Dun and Bradstreet number of the facility, if available; the port of registration of the vessel; the name and telephone number of the person in charge of the facility or vessel.

(2) The population density within a one-mile radius of the facility or vessel, described in terms of the following ranges: 0-50 persons, 51-100 persons, 101-500 persons, 501-1,000 persons, more than 1,000 persons.

(3) The identity and location of sensitive populations and ecosystems within a one-mile radius of the facility or vessel (e.g., elementary schools, hospitals, retirement communities, or wetlands).

(4) For each hazardous substance release claimed to qualify for reporting under CERCLA Section 103(f)(2), the following information shall be supplied:

(i) The name/identity of the hazardous substance; the Chemical Abstracts Service Registry Number for the substance (if available); and if the substance being released is a mixture, the components of the mixture and their approximate concentrations and quantities, by weight.

(ii) The upper and lower bounds of the normal range of the release (in pounds or kilograms) over the previous year.

(iii) The source(s) of the release (e.g., valves, pump seals, storage tank vents, stacks). If the release is from a stack, the stack height (in feet or meters).

(iv) The frequency of the release and the fraction of the release from each release source and the specific period

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References
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over which it occurs.

(v) A brief statement describing the basis for stating that the release is continuous and stable in quantity and rate.

(vi) An estimate of the total annual amount that was released in the previous year (in pounds or kilograms).

(vii) The environmental medium {or media} affected by the release:

(A) If surface water, the name of the surface water body.

(B) If a stream, the stream order or average flow rate (in cubic feet/second) and designated use.

(C) If a lake, the surface area (in acres) and average depth (in feet or meters).

(D) If on or under ground, the location of public water supply wells within two miles.

(viii) A signed statement that the hazardous substance release(s) is(are) continuous and stable in quantity and rate under the definitions in paragraph (a) of this section and that all reported information is accurate and current to the best knowledge of the person in charge.

(g) If there is a change in the release, notification of the change, not otherwise reported, shall be provided in the following manner:

(1) If there is any change in the composition or source(s) of the release, the release is a new release and must be qualified for reporting under this section by the submission of initial telephone notification and initial written notification in accordance with paragraphs (c)(1) and (2) of this section as soon as there is a sufficient basis for asserting that the release is continuous and stable in quantity and rate.

(2) If there is a change in the release such that the quantity of the release exceeds the upper bound of the reported normal range, the release must be reported as a statistically significant increase in the release. If a change will result in a number of releases that exceed the upper bound of the normal range, the person in charge of a facility or vessel

Part 2. Designation, Reportable Quantities, and Notification (con't.)

References
40 CFR 302.8 (con't.)

may modify the normal range by:

(i) Reporting at least one statistically significant increase report as required under paragraph (c)(7) of 40 CFR 302.8 and, at the same time, informing the NRC of the change in the normal range, and

(ii) Submitting, within 30 days of the telephone notification, written notification to the appropriate EPA Regional Office describing the new normal range, the reason for the change, and the basis for stating that the release in the increased amount is continuous and stable in quantity and rate under the definitions in paragraph (b) of this section.

(3) If there is a change in any information submitted in the initial written notification or the follow-up notification other than a change in the source, composition, or quantity of the release, the person in charge of the facility or vessel shall provide written notification of the change to the EPA Region for the geographical area where the facility or vessel is located, within 30 days of determining that the information submitted previously is no longer valid. Notification shall include the reason for the change, and the basis for stating that the release is continuous and stable under the changed conditions.

(4) Notification of changes shall include the case number assigned by the NRC or the EPA and also the signed certification statement required at (c)(2)(xi) of 40 CFR 302.8.

(h) Notification of a statistically significant increase in a release shall be made to the NRC as soon as the person in charge of the facility or vessel has knowledge of the increase. The release must be identified as a statistically significant increase in a continuous release. A determination of whether an increase is a "statistically significant increase" shall be made based upon calculations or estimation procedures that will identify releases that exceed the upper bound of the reported normal range.

(i) Each hazardous substance release shall be evaluated annually to determine if changes have occurred in the information submitted in the initial written notification, the follow-up notification, and/or in a previous change notification.

(j) In lieu of an initial written report or a follow-up report, owners or operators of facilities subject to the requirements of SARA Title III Section 313 may submit to the appropriate EPA Regional Office for the geographical area where the facility is located, a copy of the Toxic Release Inventory form submitted under SARA Title III Section 313 the previous

Table 2
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Part 2. Designation, Reportable Quantities, and Notification (con't.)

References
40 CFR 302.8 (con't.)

July 1 provided that the following information is added:

(1) The population density within a one-mile radius of the facility or vessel, described in terms of the following ranges: 0-50 persons, 51-100 persons, 101-500 persons, 501-1,000 persons, more than 1,000 persons.

(2) The identity and location of sensitive populations and ecosystems within a one-mile radius of the facility or vessel (e.g., elementary schools, hospitals, retirement communities, or wetlands).

(3) For each hazardous substance release claimed to qualify for reporting under CERCLA Section 103(f)(2), the following information must be supplied:

(i) The upper and lower bounds of the normal range of the release (in pounds or kilograms) over the previous year.

(ii) The frequency of the release and the fraction of the release from each release source and the specific period over which it occurs.

(iii) A brief statement describing the basis for stating that the release is continuous and stable in quantity and rate.

(iv) A signed statement that the hazardous substance release(s) is (are) continuous and stable in quantity and rate under the definitions in paragraph (b) of this section and that all reported information is accurate and current to the best knowledge of the person in charge.

Table 2
Comprehensive Environmental Response, Compensation, and Liability Act

Part 3. Natural Resource Damage Assessment

Authorizations
CERCLA, Section 104(b)(2)

References
43 CFR 11.20

Designation of Federal Trustees

(a) The President is required to designate in the National Contingency Plan those Federal officials who are to act on behalf of the public as trustees for natural resources. Federal officials so designated will act pursuant to Section 107(f) of CERCLA and Section 311(f)(5) of the Clean Water Act. Natural resources include:

(1) Natural resources over which the United States has sovereign rights, and

(2) Natural resources within the territorial sea, contiguous zone, exclusive economic zone, and outer continental shelf belonging to, managed by, held in trust by, appertaining to, or otherwise controlled (hereinafter referred to as "managed or protected") by the United States.

References
43 CFR 11.21

Responsibilities of Trustees

(a) Where there are multiple trustees, because of coexisting or contiguous natural resources or concurrent jurisdictions, they should coordinate and cooperate in carrying out these responsibilities.

(b) Trustees are responsible for designating to the RRTs, for inclusion in the Regional Contingency Plan, appropriate contact to receive notifications from the OSCs/RPMs of potential injuries to natural resources.

References
43 CFR 11.20

Notification and Detection

(a) Notification.

(1) Section 104(b)(2) of CERCLA requires prompt notification of Federal and State natural resource trustees of potential damages to natural resources under investigation and requires coordination of the assessments, investigations, and planning under Section 104 of CERCLA with such trustees.

(2) The National Contingency Plan (NCP) provides for the OSC or lead agency to notify the natural resource trustee when natural resources have been or are likely to be injured by a discharge of oil or a release of a hazardous substance being investigated under the NCP.

Table 2
Comprehensive Environmental Response, Compensation, and Liability Act

Part 3. Natural Resource Damage Assessment (con't.)

References
43 CFR 11.20 (con't.)

(3) Natural resource trustees, upon such notification described in paragraphs (a) (1) and (2) of this section, shall take such actions, as may be consistent with the NCP.

(b) Previously unreported discharges or releases. If a natural resource trustee identifies or is informed of apparent injuries to natural resources that appear to be a result of a previously unidentified or unreported discharge of oil or release of a hazardous substance, he should first make reasonable efforts to determine whether a discharge or release has taken place. In the case of a discharge or release not yet reported or being investigated under the NCP, the natural resource trustee shall report that discharge or release to the appropriate authority as designated in the NCP.

(c) Identification of co-trustees. The natural resource trustee should assist the OSC or lead agency, as needed, in identifying other natural resource trustees whose resources may be affected as a result of shared responsibility for the resources and who should be notified.

References
43 CFR 11.21

Emergency Restorations

(a) In the event of a natural resource emergency, the natural resource trustee (i.e., the Federal or State agency acting as trustee) shall contact the NRC (800/424-8802) to report the actual or threatened discharge or release and to request that an immediate response action be taken.

(1) An emergency is any situation related to a discharge or release requiring immediate action to avoid an irreversible loss of natural resources or to prevent or reduce any continuing danger to natural resources, or a situation in which there is a similar need for emergency action.

Table 2
Comprehensive Environmental Response, Compensation, and Liability Act

Part 4. Reporting Hazardous Substance Activity When Selling or Transferring Federal Real Property

Authorizations
CERCLA, Section 120(h) as amended

References
40 CFR 373.1

General Requirement

After October 16, 1990, whenever any department, agency, or instrumentality of the United States enters into any contract for the sale or other transfer of real property which is owned by the United States and at which, during the time the property was owned by the United States, any hazardous substance was stored for one year or more, known to have been released, or disposed of, the head of such department, agency, or instrumentality must include in such contract notice of the type and quantity of such hazardous substance and notice of the time at which such storage, release, or disposal took place, to the extent such information is available on the basis of a complete search of agency files.

References
40 CFR 373.2

Applicability

(a) Except as otherwise provided in this section, the notice required by 40 CFR 373.1 applies whenever the United States enters into any contract for the sale or other transfer of real property which is owned by the United States and on which any hazardous substance was stored for one year or more, known to have been released, or disposed of.

(b) The notice required by 40 CFR 373.1 for the storage for one year or more of hazardous substances applies only when hazardous substances are or have been stored in quantities greater than or equal to 1000 kilograms or the hazardous substance's CERCLA reportable quantity found at 40 CFR 302.4, whichever is greater. Hazardous substances that are also listed under 40 CFR 261.30 as acutely hazardous wastes, and that are stored for one year or more, are subject to the notice requirement when stored in quantities greater than or equal to one kilogram.

(c) The notice required by 40 CFR 373.1 for the known release of hazardous substances applies only when hazardous substances are or have been released in quantities greater than or equal to the substance's CERCLA reportable quantity found at 40 CFR 302.4.

References
40 CFR 373.3

Content of Notice

The notice required by 40 CFR 373.1 must contain the following information:

(a) The name of the hazardous substance; the Chemical Abstracts Services Registry Number (CASRN) where applicable; the regulatory synonym for the hazardous substance, as listed in 40 CFR 302.4, where applicable; the RCRA hazardous waste number specified in 40 CFR 261.30, where applicable; the quantity in kilograms and pounds of the hazardous substance

Part 4. Reporting Hazardous Substance Activity When Selling or Transferring Federal Real Property (con't.)

References
40 CFR 373.3 (con't.)

that has been stored for one year or more, or known to have been released, or disposed of, on the property, and the date(s) that such storage, release, or disposal took place.

(b) The following statement, prominently displayed: "The information contained in this notice is required under the authority of regulations promulgated under Section 120(h) of the Comprehensive Environmental Response, Liability, and Compensation Act (CERCLA or "Superfund") 42 U.S.C. Section 9620(h)."

Chapter 3. The Clean Water Act

Purpose and Organization

The *Clean Water Act* (CWA), formerly known as the *Federal Water Pollution Control Act*, intends to "...restore and maintain the chemical, physical, and biological integrity of the Nation's waters" [Section 101]. To accomplish that objective, the Act's goal was to attain a level of water quality that "provides for the protection and propagation of fish, shellfish, and wildlife, and provides for recreation in and on the water" by 1983 and to eliminate the discharge of pollutants into navigable waters by 1985.

The *Clean Water Act* has five main elements: (1) a system of minimum national effluent standards for each industry, (2) water quality standards, (3) a discharge permit program that translates these standards into enforceable limits, (4) provisions for special problems such as toxic chemicals and oil spills, and (5) a revolving construction loan program (formerly a grant program) for publicly-owned treatment works (POTWs).

The CWA requires the Environmental Protection Agency (EPA) to establish effluent limitations for the amounts of specific pollutants that may be discharged by municipal sewage plants and industrial facilities. The two-step approach to setting the standards includes: (1) establishing a nationwide, base-level treatment through an assessment of what is technologically and economically achievable for a particular industry and (2) requiring more stringent levels of treatment for specific plants if necessary to achieve water quality objectives for the particular body of water into which that plant discharges. For example, EPA sets limits based on water quality to control pollution in waters designated by the States for drinking, swimming, or fishing.

The primary method by which the Act imposes limitations on pollutant discharges is the nationwide permit program established under Section 402 and referred to as the National Pollutant Discharge Elimination System (NPDES). Under the NPDES program any person responsible for the discharge of a pollutant or pollutants into any waters of the United States from any point source must apply for and obtain a permit.

Waters in the United States or waters of the U.S. means:

(a) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide:
(b) All interstate waters, including interstate "wetlands;"
(c) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, "wetlands," sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
    (1) Which are or could be used by interstate or foreign travelers for recreational or other purposes:
    (2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce: or
    (3) Which are used or could be used for industrial purposes by industries in interstate commerce;
(d) All impoundments of waters otherwise defined as waters of the United States under this definition;
(e) Tributaries of waters identified in paragraphs (a) through (d) of this definition;
(f) The territorial sea; and
(g) "Wetlands" adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition.

Applicability of the CWA to DOE

The sections of the Act most relevant to DOE deal with requirements for technology-based effluent limitations (Section 301), water quality-based effluent limitations (Section 302), individual control strategies for toxic pollutants [Section 304(l)], new source performance standards (Section 306), regulation of toxics and indirect discharges (Section 307), Federal facilities pollution control (provisions for presidential exemption) (Section 313), thermal discharges (Section 316), permits under the NPDES (Section 402), and permits for the

discharge of dredged or fill materials into navigable waters (Section 404 and Sections 9 and 10 of the *Rivers and Harbors Act*).

All DOE facilities that discharge wastewaters to either a surface water body or a publicly-owned treatment system must comply with the CWA. Facilities that directly discharge wastewaters must obtain an NPDES permit (Section 402). This permit specifies the discharge standards and monitoring and reporting requirements that the facility must meet for each point source or outfall. For industrial facilities that existed before July 1, 1977, best conventional technology must be applied to the discharge stream for conventional pollutants (Section 301). For facilities built after July 1, 1977, so-called "new" facilities, the National Standards of Performance apply. When either an existing or new facility discharges toxic pollutants, more stringent controls are required.

Discharge of a Pollutant means:

(a) any addition of any "pollutant" or combination of pollutants to "waters of the United States" from any "point source," or

(b) any addition of any pollutant or combination of pollutants to the waters of the contiguous zone" or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation.

This definition includes additions of pollutants into waters of the United States from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. This term does not include an addition of pollutants by any "indirect discharger."

The regulations for toxics are based on best available technology economically achievable (Section 307). In all cases NPDES permits can be made even more stringent than the above standards if the specific water body in question requires lower discharges of pollutants to meet water quality standards (Sections 302 and 303).

Facilities that discharge to a municipal or publicly-owned wastewater system do not have to obtain an NPDES permit, but they must follow the pretreatment regulations (Section 307). These pretreatment regulations require that industrial dischargers remove or treat all pollutants that could pass through the municipal system untreated or could adversely affect the performance of the municipal system. Toxic pollutants are the primary concern of these regulations.

Pollutant means:
Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 *et seq.*)), heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water. It does not mean:

(a) sewage from vessels; or

(b) water, gas, or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil and gas production and disposed of in a well, if the well used either to facilitate production or for disposal purposes is approved by authority of the State in which the well is located, and if the State determines that the injection or disposal will not result in the degradation of ground or surface water resources.

Radioactive Discharges under the Clean Water Act

Section 502(6) of CWA defines the term *pollutant* to include radioactive materials. In its implementing regulations (40 CFR Part 122 in particular), however, EPA refined the definition of *pollutant* to exclude radioactive materials regulated under the *Atomic Energy Act* of 1954 (AEA), as amended. Thus, although the CWA and its implementing regulations clearly apply to naturally occurring (e.g., radium) and accelerator-produced radioisotopes, they do not apply to source, byproduct, or special nuclear materials as defined by the AEA. The U.S. Supreme Court, in *Train v. Colorado Public Interest Research Group, Inc.* [426 U.S. 1 (1976)], agreed with EPA's interpretation of the language in both the CWA and the AEA (i.e., that source, byproduct, and special nuclear material are subject to regulation under the AEA, but not the CWA). DOE discharges containing radioactive materials that are not source, byproduct, or special nuclear materials would be regulated under the CWA by EPA or States having an EPA-authorized permit program.

In many DOE operations these materials could constitute the principal radioactive contaminants present in plant effluents and would, therefore, be subject only to DOE or Nuclear Regulatory Commission (NRC) regulation and not to EPA or State regulation under the

CWA. DOE facilities should be aware, however, of DOE's own May 1, 1978, final rule (52 *FR* 15937, 10 CFR Part 962) that States that the nonradioactive hazardous component of a waste stream containing byproduct material (as defined in the first definition of the term above) is subject to EPA regulation under the *Resource Conservation and Recovery Act* (RCRA).

In a different section of the CWA, Congress is unequivocal in its language relative to two specific types of radioactive materials. Section 301(f) of the CWA states that "...it shall be unlawful to discharge any radiological... warfare agent or high-level radioactive waste into the navigable waters." DOE facilities are, of course, obligated to observe this ban.

Note that, quite apart from the CWA, States may under certain circumstances exercise a limited role in the regulation of these materials. Until Section 274 was added to the AEA in 1959, States had no role in the licensing and regulation of source, byproduct, or special nuclear materials. Section 274, however, provided a statutory basis by which States could assume from NRC a measure of authority over the regulation of byproduct and source materials and special nuclear materials in quantities not sufficient to form a critical mass. To effect this transfer of authority, (1) the NRC must find that the State's radiation control program is compatible with NRC's and that it is adequate to protect public health and safety, (2) the State must establish its authority to enter into an agreement with the NRC, and (3) the NRC must enter into an agreement with the governor of the State desiring such authority. Thus far, 29 States have entered into such agreements with the NRC. Even in agreement States, however, the NRC retains regulatory authority over several important areas, including construction and operation of production and utilization facilities and disposal of certain source, byproduct, and special nuclear materials [AEA, Section 274(c)]. In any event, State regulatory authority established under AEA Section 274 does not extend to DOE facilities.

Discharge of Dredge or Fill Materials

Section 404 enables the Corps of Engineers in the Department of the Army to issue permits for the discharge of dredged or fill materials into waters of the United States at specific sites. The Corps specifies a site by applying guidelines promulgated by the EPA (40 CFR Part 230). Further, any proposal to dump dredged or fill material into the ocean must comply with the dumping criteria set forth in regulations implementing Section 227.13 of the *Marine Protection, Research, and Sanctuaries Act* (MPRSA). Under Subsection 404(c) of the CWA, EPA can prohibit or limit the use of a proposed disposal site or withdraw an already designated site, under regulations codified at 40 CFR Part 231. This may occur if EPA foresees unacceptable impacts on municipal water supplies, shellfish beds, fishery areas, or wildlife and recreational areas. However, such a determination must be made after consultation with the Corps and the permit application.

A significant feature of Section 404 is that the Corps may issue General Permits on a State, regional, or nationwide basis for dredge or fill activities that are similar in nature and cause only minimal individual and cumulative adverse impacts. General Permits are granted for a period not to exceed five years. The Corps issues Individual Permits for actions that have a potential for significant environmental impacts.

Various dredged and fill material disposal activities are excluded from CWA Section 404 permitting requirements unless the action (1) alters the use of navigable waters or (2) impairs the flow of those waters. Actions thus excluded from permitting that may pertain to DOE projects include maintenance or emergency construction on damaged dams, transportation structures and related structures, drainage ditch maintenance, construction of temporary sediment basis at construction sites, and temporary road construction for moving mining equipment. Placement of riprap and construction of new dams fall under the purview of Section 404 permits.

Much of the remainder of Section 404 deals with the role of the Corps and EPA in State-administered programs when States elect to issue dredge and fill permits themselves. In these cases, EPA and the Corps would review State programs and assure coordination with Federal water-related programs, and EPA would receive copies of all permit applications.

Notification and Reporting Requirements

The following are reporting requirements under the CWA:

- Any person in charge of a vessel or onshore or offshore facility shall notify the NRC of any discharge of oil from that vessel or facility into or upon the navigable waters of the U.S. or adjoining shorelines or other specific areas.

- Any person in charge of a vessel or onshore or offshore facility shall notify the NRC of any discharge of a designated hazardous substance from that vessel or facility if the quantity of the discharge equals or exceeds in 24-hours the reportable quantity.

- Holders of NPDES permits must submit to the Director oral and written reports of any non-compliance which may endanger health or the environment.

- Facility operators must notify the Captain of the Port (COTP) before transferring oil

Figure 3 guides the user to the various CWA notification and reporting requirements conveyed in this chapter that may be relevant to a DOE facility or situation.

Figure 3: Clean Water Act

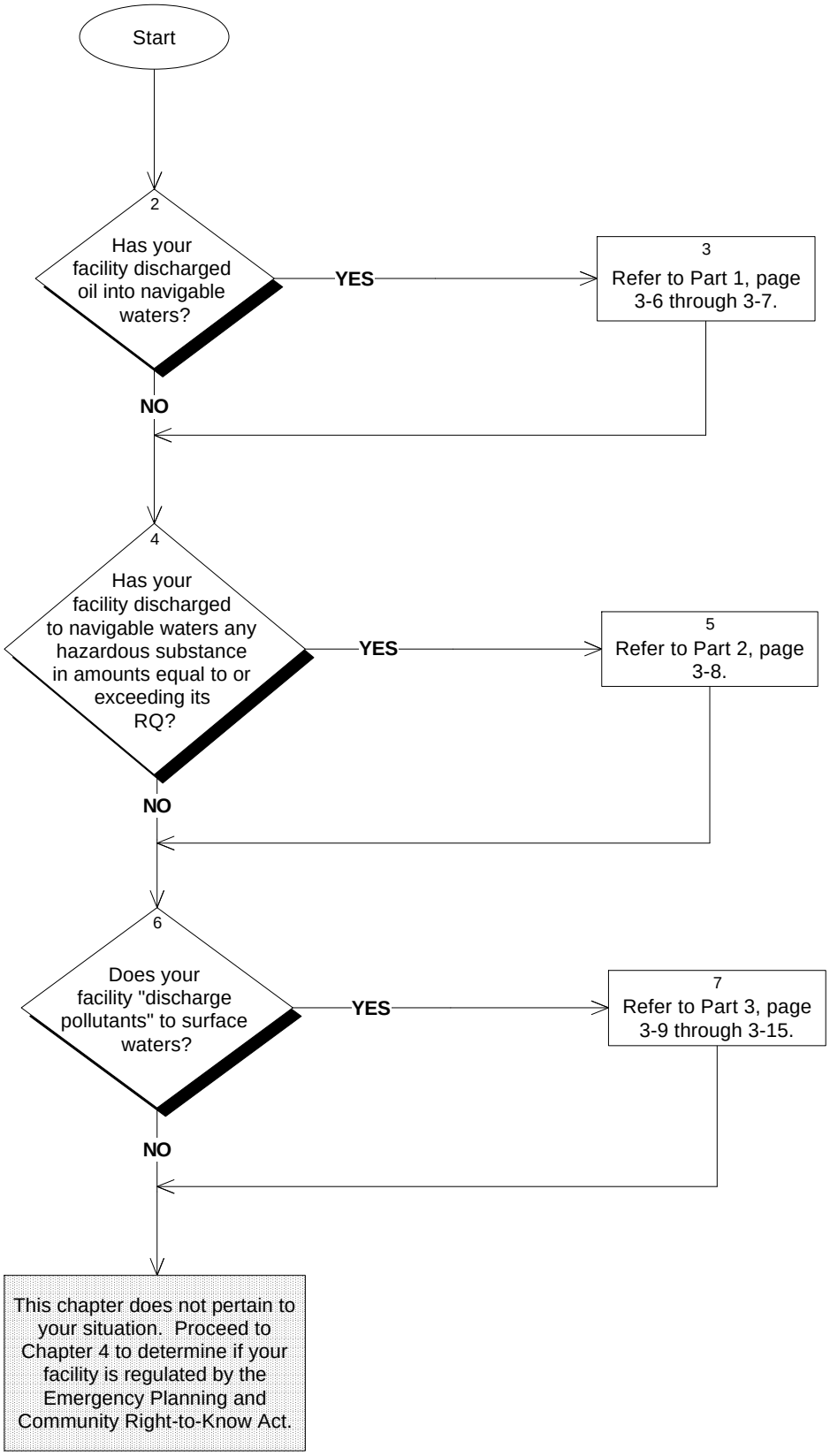


Table 3
Clean Water Act

Part 1. Discharges of Oil

Authorizations
Clean Water Act, Section 311(b)

References
40 CFR 110.3

Discharge into Navigable Waters {and/or the Contiguous Zone} of such Quantities as may be Harmful

For purposes of Section 311(b) of the Act, discharges of oil into or upon the navigable waters {or upon waters seaward of the Contiguous Zone} of the United States or adjoining shorelines in such quantities that it has been determined may be harmful to the public health or welfare of the United States, except as provided in 40 CFR 110.7, include discharges of oil that:

(a) Violate applicable water quality standards, or

(b) Cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines.

References
40 CFR 110.4

Discharge Beyond Contiguous Zone of Such Quantities as may be Harmful

For purposes of Section 311(b) of the Act, discharges of oil into or upon waters seaward of the contiguous zone in connection with activities under the Outer Continental Shelf Lands Act or the Deepwater Port Act of 1974, or that may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (including resources under the Magnuson Fishery Conservation and Management Act) in such quantities that it has been determined may be harmful to the public health or welfare of the United States, except as provided in 40 CFR 110.7, include discharges of oil that:

(a) Violate applicable water quality standards, or

(b) Cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines.

References
40 CFR 110.9

Discharge Prohibited

As provided in Section 311(b)(3) of the Act, no person shall discharge or cause or permit to be discharged into or upon the navigable waters of the United States or adjoining shorelines or into or upon the waters of the contiguous zone or into or upon waters seaward of the contiguous zone in connection with activities under the Outer Continental Shelf Lands Act or the Deepwater Port Act of 1974, or that may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (including resources under the Magnuson Fishery Conservation and Management

Table 3
Clean Water Act

Part 1. Discharges of Oil (con't.)

References
40 CFR 110.9 (con't.)

Act) any oil in such quantities as may be harmful as determined in 40 CFR 110.3, 110.4, and 110.5, except as the same may be permitted in the contiguous zone and seaward under MARPOL 73/78, Annex I, as provided in 33 CFR 151.09.

References
40 CFR 110.10

Notice

Any person in charge of a vessel or an onshore or offshore facility shall, as soon as he or she has knowledge of any discharge of oil from such vessel or facility in violation of 40 CFR 110.6, immediately notify the National Response Center (NRC) (800-24-8802); in the Washington, DC metropolitan area, (202/426-2675). If direct reporting to the NRC is not practicable, reports may be made to the Coast Guard or EPA predesignated On-Scene Coordinator (OSC) for the geographic area where the discharge occurs. All such reports shall be promptly relayed to the NRC. If it is not possible to notify the NRC or the predesignated OSC immediately, reports may be made immediately to the nearest Coast Guard Unit, provided that the person in charge of the vessel or onshore or offshore facility notifies the NRC as soon as possible. The reports shall be made in accordance with such procedures as the Secretary of Transportation may prescribe. The procedures for such notice are set forth in U.S. Coast Guard regulations, 33 CFR Part 153, Subpart B and in the National Oil and Hazardous Substances Pollution Contingency Plan, 40 CFR Part 300, Subpart E.

Table 3
Clean Water Act

Part 2. Discharges of Reportable Quantity of Hazardous Substances

Authorizations
Clean Water Act, Section 311

References
40 CFR 117.21

Notice

Any person in charge of a vessel or an onshore or offshore facility shall, as soon as he or she has knowledge of any discharge of a designated hazardous substance from such vessel or facility {into or upon navigable waters or adjoining shorelines, into or upon the contiguous zone, or beyond the contiguous zone (except as allowed by 40 CFR 117.11)}in quantities equal to or exceeding in any 24-hour period the reportable quantity determined by this part, immediately notify the appropriate agency of the United States Government of such discharge. Notice shall be given in accordance with such procedures as the Secretary of Transportation has set forth in 33 CFR Part 153.203. This provision applies to all discharges not specifically excluded or reserved by another section of these regulations.

☞ 33 CFR 153.203 Procedure for the notice of discharge.
Any person in charge of a vessel or of an onshore or offshore facility shall, as soon as they have knowledge of any discharge of oil or a hazardous substance from such vessel or facility in violation of Section 311(b)(3) of the Act, immediately notify the National Response Center (NRC), U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593 (toll free telephone number 800-424-8802; in Washington, DC metropolitan area, (202) 267-2675). If direct reporting to the NRC is not practicable, reports may be made to the Coast Guard or EPA predesignated OSC for the geographic area where the discharge occurs. All such reports shall be promptly relayed to the NRC. If it is not possible to notify the NRC or the predesignated OSC immediately, reports may be made immediately to the nearest Coast Guard unit, provided that the person in charge of the vessel or onshore or offshore facility notifies the NRC as soon as possible.

Table 3
Clean Water Act

Part 3. The National Pollutant Discharge Elimination System

Authorizations
Clean Water Act, Section 311

References
40 CFR 122.41

Conditions Applicable to All Permits (applicable to State programs, see 40 CFR 123.25)

(l) Reporting Requirements.

(1) The permittee shall give notice to the Director as soon as possible of any planned physical alternations or additions to the permitted facility. Notice is required only when:

(i) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b), or

(ii) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR 122.42(a)(1).

(2) The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

(3) Transfers. This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Clean Water Act. (See 40 CFR 122.61; in some cases, modification or revocation and reissuance is mandatory.)

(4) Monitoring results shall be reported at the intervals specified elsewhere in this permit.

(i) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Director for reporting results of monitoring of sludge use or disposal practices.

(ii) If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503, or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Director.

Table 3
Clean Water Act

Part 3. The National Pollutant Discharge Elimination System (con't.)

References
40 CFR 122.41 (con't.)

(iii) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.

(5) Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

(6) Twenty-four hour reporting.

(i) The permittee shall report any non-compliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

(ii) The following shall be included as information which must be reported within 24 hours under this paragraph:

(A) Any unanticipated bypass which exceeds any effluent limitation in the permit. (See 40 CFR 122.41(g).)

(B) Any upset which exceeds any effluent limitation in the permit.

(C) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported within 24 hours. (See 40 CFR 122.44(g).)

(iii) The Director may waive the written report on a case-by-case basis for reports under paragraph (1)(6)(ii) of this section if the oral report has been received within 24 hours.

(7) The permittee shall report all instances of noncompliance not reported under paragraphs (1), (4), (5), and (6) of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (1)(6) of this section.

Table 3
Clean Water Act

Part 3. The National Pollutant Discharge Elimination System (con't.)

References
40 CFR 122.41 (con't.)

(8) Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

(m) (3) (i) If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible, at least ten days before the date of the bypass.

(n) Upset.

(1) "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(2) An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph (n)(3) of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

(3) A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(i) An upset occurred and that the permittee can identify the cause(s) of the upset.

(ii) The permitted facility was at the time being properly operated.

(iii) The permittee submitted notice of the upset as required in paragraph (1)(6)(ii)(B) of this section (24 hour notice).

(iv) The permittee complied with any remedial measures required under paragraph (d) of {40 CFR 122.41}.

References
40 CFR 122.41 (con't.)

(4) Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

References
40 CFR 122.45

Calculating NPDES permit conditions (applicable to State NPDES programs, see 40 CFR 123.25)

(a) All permit effluent limitations, standards, and prohibitions shall be established for each outfall or discharge point of the permitted facility, except as otherwise provided under 40 CFR 122.44(k) (BMPs where limitations are infeasible) and paragraph (i) of this section (limitations on internal waste streams).

(b) (1) In the case of POTWs, permit effluent limitations, standards, or prohibitions shall be calculated based on design flow.

(2) (i) Except in the case of POTWs or as provided in paragraph (b)(2)(ii) of this section, calculation of any permit limitations, standards, or prohibitions which are based on production (or other measure of operation) shall be based not upon the designed production capacity but rather upon a reasonable measure of actual production of the facility. For new sources or new dischargers, actual production shall be estimated using projected production. The time period of the measure of production shall correspond to the time period of the calculated permit limitations; for example, monthly production shall be used to calculate average monthly discharge limitations.

(ii) (A) (1) The Director may include a condition establishing alternative permit limitations, standards, or prohibitions based upon anticipated increased (not to exceed maximum production capability) or decreased production levels.

(B) If the Director establishes permit conditions under paragraph (b)(2)(ii)(A) of this section:

(1) The permit shall require the permittee to notify the Director at least two business days prior to a month in which the permittee expects to operate at a level higher than the lowest production level identified in the permit. The notice shall specify the anticipated level and the period during which the permittee expects to operate at the alternative level. If the notice covers more than one month, the notice shall specify the reasons for the anticipated production level increase. New notice of discharge at alternate levels is required to cover a period or production level not

Part 3. The National Pollutant Discharge Elimination System (con't.)

References
40 CFR 122.45 (con't.)

covered by prior notice or, if during two consecutive months otherwise covered by a notice, the production level at the permitted facility does not in fact meet the higher level designated in the notice.

(2) The permittee shall comply with the limitations, standards, or prohibitions that correspond to the lowest level of production specified in the permit, unless the permittee has notified the Director under paragraph (b)(2)(ii)(B)(1) of this section, in which case the permittee shall comply with the lower of the actual level of production during each month or the level specified in the notice.

(3) The permittee shall submit with the Discharge Monitoring Report (DMR) the level of production that actually occurred during each month and the limitations, standards, or prohibitions applicable to that level of production.

References
40 CFR 122.47

Schedules of Compliance

(a) General (applicable to State programs, see 40 CFR 123.25). The permit may, when appropriate, specify a schedule of compliance leading to compliance with CWA and regulations.

(1) Time for compliance. Any schedules of compliance under this section shall require compliance as soon as possible, but not later than the applicable statutory deadline under the CWA.

(2) The first NPDES permit issued to a new source or a new discharger shall contain a schedule of compliance only when necessary to allow a reasonable opportunity to attain compliance with requirements issued or revised after commencement of construction but less than three years before commencement of the relevant discharge. For recommencing dischargers, a schedule of compliance shall be available only when necessary to allow a reasonable opportunity to attain compliance with requirements issued or revised less than three years before recommencement of discharge.

(3) Interim dates. Except as provided in paragraph (b)(1)(ii) of this section, if a permit establishes a schedule of compliance which exceeds I year from the date of permit issuance, the schedule shall set forth interim requirements and the dates for their achievement.

Table 3
Clean Water Act

Part 3. The National Pollutant Discharge Elimination System (con't.)

References
40 CFR 122.47 (con't.)

(i) The time between interim dates shall not exceed 1 year, except that in the case of a schedule for compliance with standards for sewage sludge use and disposal, the time between interim dates shall not exceed six months.

(ii) If the time necessary for completion of any interim requirement (such as the construction of a control facility) is more than 1 year and is not readily divisible into stages for completion, the permit shall specify interim dates for the submission of reports of progress toward completion of the interim requirements and indicate a projected completion date.

Note: Examples of interim requirements include:

(a) Submit a complete Step 1 construction grant (for POTWs).

(b) Let a contract for construction of required facilities.

(c) Commence construction of required facilities.

(d) Complete construction of required facilities.

(4) The permit shall be written to require that no later than 14 days following each interim date and the final date of compliance, the permittee shall notify the Director in writing of its compliance or noncompliance with the interim or final requirements, or submit progress reports if paragraph (a)(3)(ii) is applicable.

References
40 CFR 122.61

Transfer of Permits (applicable to State programs, see 40 CFR 123.25)

(a) Transfers by modification. Except as provided in paragraph (b) of this section, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued (under 40 CFR 122.62(b)(2)), or a minor modification made (under 40 CFR 122.63(d)), to identify the new permittee and incorporate such other requirements as may be necessary under the CWA.

(b) Automatic transfers. As an alternative to transfers under paragraph (a) of this section, any NPDES permit may be automatically transferred to a new permittee if:

Table 3
Clean Water Act

Part 3. The National Pollutant Discharge Elimination System (con't.)

References
40 CFR 122.61 (con't.)

(1) The current permittee notifies the Director at least 30 days in advance of the proposed transfer date in paragraph (b)(2) of this section,

(2) The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them, and

(3) The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify or revoke and reissue the permit. A modification under this subparagraph may also be a minor modification under 40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph (b)(2) of this section.

Chapter 4. The Emergency Planning & Community Right-to-Know Act

Purpose and Organization

The *Emergency Planning and Community Right-to-Know Act* (EPCRA), enacted on October 17, 1986, represents a significant first step toward a major Federal role in areas previously regulated by State and local government. EPCRA was enacted by Congress as a stand-alone provision, Title III, of the *Superfund Amendments and Reauthorization Act* (SARA).

Title III was passed in response to concerns regarding the environmental and safety hazards posed by the storage and handling of toxic chemicals. The disaster in Bhopal, India in which more than 2,000 people suffered death or serious injury form the accidental release of methyl isocyanate triggered this concern. To reduce the likelihood of such a disaster in the United States, Congress imposed requirements on both States and regulated facilities. Facilities must notify the local emergency planning districts as to materials maintained at, and of releases occurring from, the sites.

The emergency planning aspect requires local communities to prepare plans to deal with emergencies relating to hazardous substances. The community right-to-know aspect creates new rights for members of the public and local governments to obtain information concerning potential threats in their neighborhoods involving hazardous substances. EPCRA provides the tools for local governments and members of the community to make their own decisions regarding hazardous materials in their communities.

EPCRA contains three subtitles. Subtitle A, Emergency Planning and Notification, establishes mechanisms to enable States and communities to prepare to respond to unplanned releases of hazardous substances. Subtitle B, Reporting Requirements, contains three distinct reporting provisions concerning two different groups of chemical substances. The first two sets of reports require submission of inventory-related data on *hazardous chemicals* [i.e., those substances for which a Material Safety Data Sheet (MSDS) is mandated under the hazard communication regulations of the Occupational Safety and Health Administration]. The third provision requires annual reporting to the Environmental Protection Agency (EPA) and the State in which the reporting facility is located of information regarding environmental releases of listed *toxic chemicals* manufactured, processed, or otherwise used at the facility in excess of specified threshold quantities. Subtitle C, General Provision, contains a variety of provisions, including, but not limited to, civil, criminal, and administrative penalties for violations of the statute's reporting requirements; enforcement actions that can be brought by citizens, States, and emergency planning and response entities; and restrictions on an owner's or operator's rights to make trade secrecy claims in the reports required by EPCRA.

Requirements for Affected Facilities

Title 40 of the *Code of Federal Regulations*, Part 355 Appendix A defines "extremely hazardous substances." Any DOE facility that manages extremely hazardous substances in quantities exceeding the Threshold Planning Quantities (TPQ) noted in the Appendix must comply.

Under 40 CFR Part 355, facilities must notify the emergency response commission that they are subject to these requirements. The facilities must notify the local emergency planning unit of releases exceeding a Reportable Quantity (RQ) of extremely hazardous substances, as defined under Title III, and "hazardous substances," as defined under the *Comprehensive Environmental Response, Compensation, and Liability Act* (CERCLA). In addition, the facilities must report their chemical inventories and provide MSDSs to the local emergency planning organizations as outlined in 40 CFR Part 370. DOE complies with these provisions voluntarily.

Notification and Reporting Requirements

The following reporting requirements apply under EPCRA:

- ☐ The owner or operator of a facility at which there is present an amount of any extremely hazardous substance equal to or in excess of its threshold planning quantity shall notify the State Emergency Response Commission (SERC).

- ☐ The owner or operator of a facility shall immediately notify the SERC and local emergency planning committee (LEPC) of releases of CERCLA hazardous substances or EPCRA extremely hazardous substances that equal or exceed a reportable quantity and have the potential to migrate beyond a facility's boundary.

- ☐ The owner or operator of a facility subject to the requirements of SARA Title III shall submit a list or a copy of material safety data sheets (MSDSs) for all hazardous chemicals present in a certain quantity. In addition, an annual inventory report on these hazardous chemicals must be submitted to the SERC, LEPC, and fire department.

- ☐ The owner or operator of an affected facility must submit to EPA and the State a list of toxic chemicals that are manufactured, processed, or otherwise used in excess of an applicable threshold quantity at the facility and shall submit annual reports regarding the facility's toxic chemical release inventory.

Figure 4 guides the user to the various EPCRA notification and reporting requirements conveyed in this chapter that are relevant to a DOE facility or situation.

Figure 4: Emergency Planning and Community Right-to-Know Act

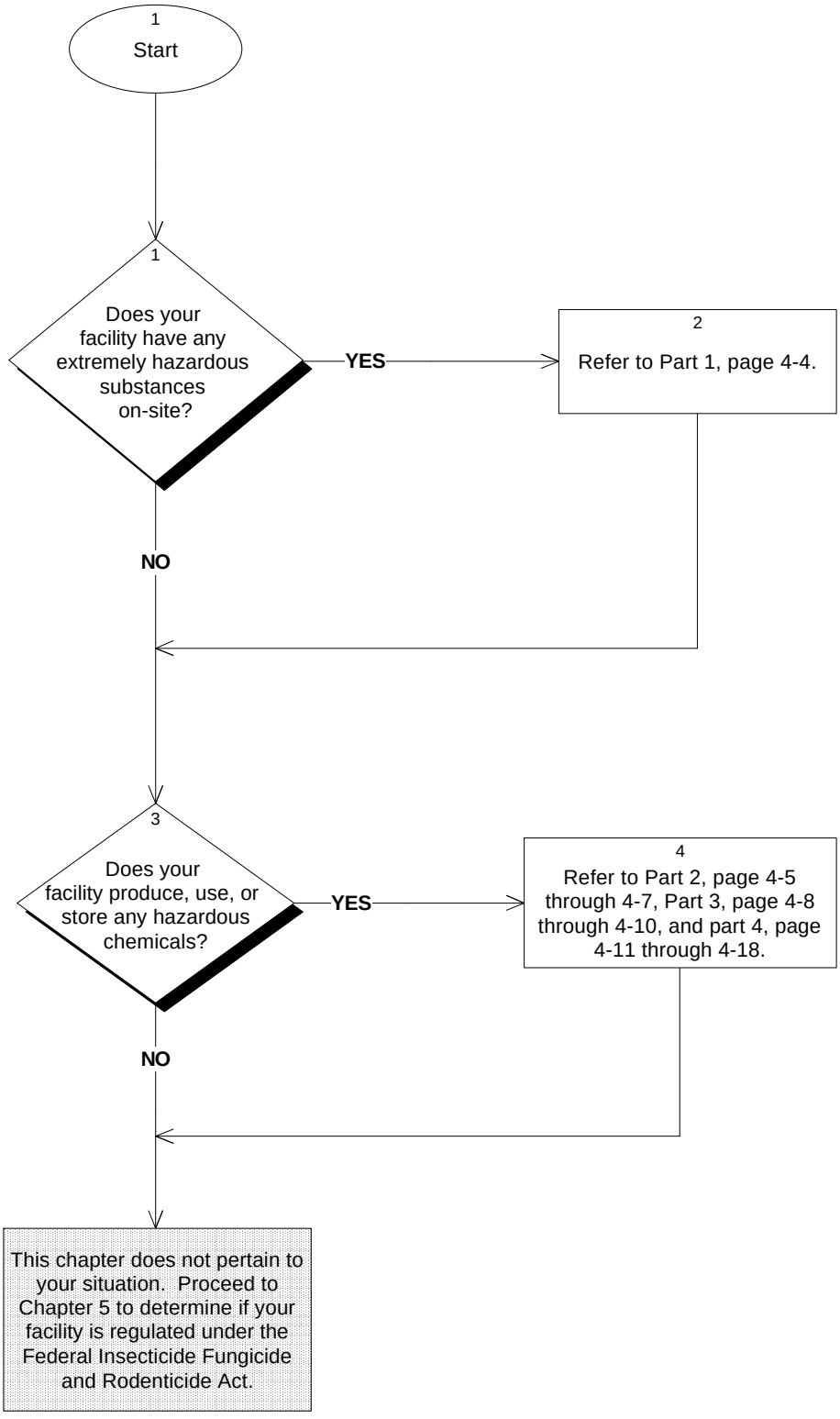


Table 4
Emergency Planning and Community Right-To-Know Act

Part 1. Emergency Planning and Notification

Authorizations
SARA Title III Section 302(c)

References
40 CFR 355.30

Emergency Planning

(a) Applicability. The requirements of this section apply to any facility at which there is present an amount of any extremely hazardous substance equal to or in excess of its threshold planning quantity, or designated, after public notice and opportunity for comment, by the Commission or the Governor for the State in which the facility is located. For purposes of this section, an "amount of any extremely hazardous substance" means the total amount of an extremely hazardous substance present at any one time at a facility at concentrations greater than one percent by weight, regardless of location, number of containers, or method of storage.

(b) Emergency planning notification. The owner or operator of a facility subject to this section shall provide notification to the Commission that it is a facility subject to the emergency planning requirements of {40 CFR Part 355}. Such notification shall be provided on or before May 17, 1987, or within sixty days after a facility first becomes subject to the requirements of this section, whichever is later.

(c) Facility emergency coordinator. The owner or operator of a facility subject to this section shall designate a facility representative who will participate in the local emergency planning process as a facility emergency response coordinator. The owner or operator shall notify the local emergency planning committee (or the Governor if there is no committee) of the facility representative on or before September 17, 1987 or 30 days after establishment of a local emergency planning committee whichever is earlier.

(d) Provision of information.

(1) The owner or operator of a facility subject to this section shall inform the local emergency planning committee of any changes occurring at the facility which may be relevant to emergency planning.

(2) Upon request of the local emergency planning committee, the owner or operator of a facility subject to this section shall promptly provide to the committee any information necessary for development or implementation of the local emergency plan.

Table 4
Emergency Planning and Community Right-To-Know Act

Part 2. Emergency Release Notification

Authorizations
SARA Title III Section 304(a)

References
40 CFR 355.40

Emergency Release Notification

(a) Applicability.

(1) The requirements of this section apply to any facility:

(i) At which a hazardous chemical is produced, used, or stored, and

(ii) At which there is release of a reportable quantity of any extremely hazardous substance or CERCLA hazardous substance.

(2) This section does not apply to:

(i) Any release which results in exposure to persons solely within the boundaries of the facility.

(ii) Any release which is a "Federally permitted release" as defined in Section 101(10) of CERCLA.

(iii) Any release that is continuous and stable in quantity and rate under the definitions in 40 CFR 302.8(b). Exemption from notification under this subsection does not include exemption from:

(A) Initial notifications as defined in 40 CFR 302.8(d) and (e).

(B) Notification of a "statistically significant increase," defined in 40 CFR 302.8(b) as any increase above the upper bound of the reported normal range, which is to be submitted to the community emergency coordinator for the local emergency planning committee for any area likely to be affected by the release and to the State emergency response commission of any State likely to be affected by the release.

(C) Notification of a "new release" as defined in 40 CFR 302.8(g)(1).

(D) Notification of a change in the normal range of the release as required under 40 CFR 302.8(g)(2).

Table 4
Emergency Planning and Community Right-To-Know Act

Part 2. Emergency Release Notification (con't.)

References
40 CFR 355.40 (con't.)

(iv) Any release of a pesticide product exempt from CERCLA Section 103(a) reporting under Section 103(e) of CERCLA.

(v) Any release not meeting the definition of release under Section 101(22) of CERCLA, and therefore exempt from Section 103(e) reporting.

(vi) Any radionuclide release which occurs (A) naturally in soil from land holdings such as parks, golf courses, or other large tracts of land; (B) naturally from the disturbance of land for purposes other than mining, such as for agricultural or construction activities; (C) from the dumping of coal and coal ash at utility and industrial facilities with coal-fired boilers; and (D) from coal and coal ash piles at utility and industrial facilities with coal-fired boilers.

Note: Releases of CERCLA hazardous substances are subject to the release reporting requirements of CERCLA Section 103, codified at 40 CFR Part 302, in addition to the requirements of this part.

(b) Notice requirements.

(1) The owner or operator of a facility subject to this section shall immediately notify the community emergency coordinator for the local emergency planning committee of any area likely to be affected by the release and the State emergency response commission of any State likely to be affected by the release. If there is no local emergency planning committee, notification shall be provided under this section to relevant local emergency response personnel.

(2) The notice required under this section shall include the following to the extent known at the time of notice and so long as no delay in notice or emergency response results:

(i) The chemical name or identity of any substance involved in the release.

(ii) An indication of whether the substance is an extremely hazardous substance.

(iii) An estimate of the quantity of any such substance that was released into the environment.

Table 4
Emergency Planning and Community Right-To-Know Act

Part 2. Emergency Release Notification (con't.)

References
40 CFR 355.40 (con't.)

(iv) The time and duration of the release.

(v) The medium or media into which the release occurred.

(vi) Any known or anticipated acute or chronic health risks associated with the emergency and, where appropriate, advice regarding medical attention necessary for exposed individuals.

(vii) Proper precautions to take as a result of the release, including evacuation (unless such information is readily available to the community emergency coordination pursuant to the emergency plan).

(viii) The names and telephone number of the person or persons to be contacted for further information.

(3) As soon as practicable after a release which requires notice under (b)(1) of this section, such owner or operator shall provide a written follow-up emergency notice (or notices, as more information becomes available) setting forth and updating the information required under paragraph (b)(2) of this section, and including additional information with respect to:

(i) Actions taken to respond to and contain the release,

(ii) Any known or anticipated acute or chronic health risks associated with the release, and,

(iii) Where appropriate, advice regarding medical attention necessary for exposed individuals.

Table 4
Emergency Planning and Community Right-To-Know Act

Part 3. Hazardous Chemical Reporting: Community Right-To-Know

Authorizations
SARA Title III Section 311(a)(1)

References
40 CFR 370.20

Applicability

(a) General. The requirements of this subpart apply to any facility that is required to prepare or have available a material safety data sheet (MSDS) for a hazardous chemical under the Occupational Safety and Health Act of 1970 and regulations promulgated under that Act.

(b) Minimum threshold levels. Except as provided in paragraph (b)(3), the minimum threshold level for reporting under this subpart shall be as specified in paragraphs (b)(1) and (b)(2):

(1) The owner or operator of a facility subject to this subpart shall submit an MSDS on or before October 17, 1990 (or within three months after the facility first becomes subject to this subpart), for all hazardous chemicals present at the facility at any one time in amounts equal to or greater than 10,000 pounds (or 4,540 kg.) and for all extremely hazardous substances present at the facility in an amount greater than or equal to 500 pounds (or 227 kg. - approximately 55 gallons) or the TPQ, whichever is lower.

(2) The owner or operator of a facility subject to this subpart shall submit the Tier I form (or Tier II form) on or before March 1, 1991 (or March 1 of the first year after the facility first becomes a subject to this subpart), and annually thereafter, covering all hazardous chemicals present at a facility at any one time during the preceding calendar year in amounts equal to or greater than 10,000 pounds (or 4,540 kg.) and extremely hazardous substances present at the facility in an amount greater than or equal to 500 pounds (or 227 kg. - approximately 55 gallons) or the TPQ, whichever is lower.

(c) The minimum threshold for reporting in response to requests for submission of an MSDS or a Tier II form under Section 370.21(d) and 370.25(c) of this part shall be zero.

References
40 CFR 370.21

Material Safety Data Sheet (MSDS) Reporting

(a) Basic requirement. The owner or operator of a facility subject to this subpart shall submit an MSDS for each hazardous chemical present at the facility according to the minimum threshold schedule provided in paragraph (b) of 40 CFR 370.20 to the committee, the commission, and the fire department with jurisdiction over the facility.

(b) Alternative reporting. In lieu of the submission of an MSDS for each hazardous chemical under paragraph (a) of this

Table 4
Emergency Planning and Community Right-To-Know Act

Part 3. Hazardous Chemical Reporting: Community Right-To-Know (con't.)

References
40 CFR 370.21 (con't.)

section, the owner or operator may submit the following:

(1) A list of the hazardous chemicals for which the MSDS is required, grouped by hazard category as defined under 40 CFR 370.2.

(2) The chemical or common name of each hazardous chemical as provided on the MSDS.

(3) Except for reporting of mixtures under 40 CFR 370.28(a)(2), any hazardous component of each hazardous chemical as provided on the MSDS.

(c) Supplemental reporting.

(1) The owner or operator of a facility that has submitted an MSDS under this section shall provide a revised MSDS to the committee, the commission, and the fire department with jurisdiction over the facility within three months after discovery of significant new information concerning the hazardous chemical for which the MSDS was submitted.

(2) After October 17, 1987, the owner or operator of a facility subject to this section shall submit an MSDS for a hazardous chemical pursuant to paragraph (a) of this section or a list pursuant to paragraph (b) of this section within three months after the owner or operator is first required to prepare or have available the MSDS or after a hazardous chemical requiring an MSDS becomes present in an amount exceeding the threshold established in 40 CFR 370.20(b).

(d) Submission of MSDS upon request. The owner or operator of a facility that has not submitted the MSDS for a hazardous chemical present at the facility shall submit the MSDS for any such hazardous chemical to the committee upon its request. The MSDS shall be submitted within 30 days of the receipt of such request.

References
40 CFR 370.25

Inventory Reporting

(a) Basic requirement. The owner or operator of a facility subject to this subpart shall submit an inventory form to the commission, the committee, and the fire department with jurisdiction over the facility. The inventory form containing Tier I information on hazardous chemicals present at the facility during the preceding calendar year above the threshold levels established in 40 CFR 370.20(b) shall be submitted on or before March 1 of each year, beginning in 1988.

Table 4
Emergency Planning and Community Right-To-Know Act

Part 3. Hazardous Chemical Reporting: Community Right-To-Know (con't.)

References
40 CFR 370.25 (con't.)

(b) Alternative reporting. With respect to any specific hazardous chemical at the facility, the owner or operator may submit a Tier II form in lieu of the Tier I information.

(c) Submission of Tier II information. The owner or operator of a facility subject to this section shall submit the Tier II form to the commission, committee, or the fire department having jurisdiction over the facility upon request of such persons. The Tier II form shall be submitted within 30 days of the receipt of each request.

References
40 CFR 370.28

Mixtures

(a) Basic reporting. The owner or operator of a facility may meet the reporting requirements of 40 CFR 370.21 (MSDS reporting) and 370.25 (inventory form reporting) of this subpart for a hazardous chemical that is a mixture of hazardous chemicals by:

(1) Providing the required information on each component in the mixture which is a hazardous chemical, or

(2) Providing the required information on the mixture itself, so long as the reporting of mixtures by a facility under 40 CFR 370.25 is in the same manner as under 40 CFR 370.21, where practicable.

Table 4
Emergency Planning and Community Right-To-Know Act

Part 4. Toxic Chemical Release Reporting

Authorizations
SARA Title III Section 313

References
40 CFR 372.5

Persons Subject to this Part

Owners and operators of facilities described in 40 CFR 372.22 and 372.45 are subject to the requirements of this part. If the owner and operator of a facility are different persons, only one need report under 40 CFR 372.17 or provide a notice under 40 CFR 372.45 for each toxic chemical in a mixture or trade name product distributed from the facility. However, if no report is submitted or notice provided, EPA will hold both the owner and the operator liable under Section 325(c) of Title III, except as provided in 372.38(e) and 372.45(g).

References
40 CFR 372.22

Covered Facilities for Toxic Chemical Release Reporting

Note: Executive Order 12856 made SARA Title III mandatory for all Federal agencies that operate a facility as defined by Section 329(4) of EPCRA (if, such facility meets the threshold amounts). In this context "facility means all buildings, equipment, structures and other stationary items which are located on a single site or on contiguous or adjacent sites and which are owned or operated by the same person (or by any person which controls, is controlled by, or under common control with, such person). For purposes of Section 304, the term includes motor vehicles, rolling stock, and aircraft."

A facility that meets all of the following criteria for a calendar year is a covered facility for that calendar year and must report under 40 CFR 372.30:

(a) The facility has 10 or more full-time employees.

(c) The facility manufactured (including imported), processed, or otherwise used a toxic chemical in excess of an application threshold quantity of that chemical set forth in 40 CFR 372.25.

References
40 CFR 372.25

Thresholds for Reporting

The threshold amounts for purposes of reporting under 40 CFR 372.30 for toxic chemicals are as follows:

(a) With respect to a toxic chemical manufactured (including imported) or processed at a facility during the following calendar years:

1989 and thereafter - 25,000 pounds of the chemical manufactured or processed for the year.

Table 4
Emergency Planning and Community Right-To-Know Act

Part 4. Toxic Chemical Release Reporting (con't.)

References
40 CFR 372.25 (con't.)

(b) With respect to a chemical otherwise used at a facility, 10,000 pounds of the chemical used for the applicable calendar year.

(c) With respect to activities involving a toxic chemical at a facility, when more than one threshold applies to the activities, the owner or operator of the facility must report if it exceeds any applicable threshold and must report on all activities at the facility involving the chemical, except as provided in 40 CFR 372.38.

(d) When a facility manufactures, processes, or otherwise uses more than one member of a chemical category listed in 40 CFR 372.65(c), the owner or operator of the facility must report if it exceeds any applicable threshold for the total volume of all the members of the category involved in the applicable activity. Any such report must cover all activities at the facility involving members of the category.

(e) A facility may process or otherwise use a toxic chemical in a recycle/reuse operation. To determine whether the facility has processed or used more than an applicable threshold of the chemical, the owner or operator of the facility shall count the amount of the chemical added to the recycle/reuse operation during the calendar year. In particular, if the facility starts up such an operation during a calendar year, or in the event that the contents of the whole recycle/reuse operation are replaced in a calendar year, the owner or operator of the facility shall also count the amount of the chemical placed into the system at these times.

(f) A toxic chemical may be listed in 40 CFR 372.65 with the notation that only persons who manufacture the chemical, or manufacture it by a certain method, are required to report. In that case, only owners or operators of facilities that manufacture that chemical as described in 40 CFR 372.65 in excess of the threshold applicable to such manufacture in 40 CFR 372.25 are required to report. In completing the reporting form, the owner or operator is only required to account for the quantity of the chemical so manufactured and releases associated with such manufacturing, but not releases associated with subsequent processing or use of the chemical at that facility. Owners and operators of facilities that solely process or use such a chemical are not required to report for that chemical.

(g) A toxic chemical may be listed in 40 CFR 372.65 with the notation that it is in a specific form (e.g., fume or dust, solution, or friable) or of a specific color (e.g., yellow or white). In that case, only owners or operators of facilities that manufacture, process, or use that chemical in the form or of the color specified in 40 CFR 372.65 in excess of the threshold applicable to such activity in 40 CFR 372.25 are required to report. In completing the reporting form, the owner or operator is only required to account for the quantity of the chemical manufactured, processed, or used in the form or

Table 4
Emergency Planning and Community Right-To-Know Act

Part 4. Toxic Chemical Release Reporting (con't.)

References
40 CFR 372.25 (con't.)

color specified in 40 CFR 372.65 and for releases associated with the chemical in that form or color. Owners or operators of facilities that solely manufacture, process, or use such a chemical in a form or color other than those specified by 40 CFR 372.65 are not required to report for that chemical.

(h) Metal compound categories are listed in 40 CFR 372.65(c). For purposes of determining whether any of the thresholds specified in 40 CFR 372.25 are met for a metal compound category, the owner or operator of a facility must make the threshold determination based on the total amount of all members of the metal compound category manufactured, processed, or used at the facility. In completing the release portion of the reporting form for releases of the metal compounds, the owner or operator is only required to account for the weight of the parent metal released. Any contribution to the mass of the release attributable to other portions of each compound in the category is excluded.

References
40 CFR 372.30

Reporting Requirements and Schedule for Reporting

(a) For each toxic chemical known by the owner or operator to be manufactured (including imported), processed, or otherwise used in excess of an applicable threshold quantity in 40 CFR 372.25 at its covered facility described in 40 CFR 372.22 for a calendar year, the owner or operator must submit to EPA and to the State in which the facility is located a completed EPA Form R (EPA Form 9350-1) in accordance with the instructions referred to in {40 CFR 372} Subpart E.

(b) (1) The owner or operator of a covered facility is required to report as described in paragraph (a) of this section on a toxic chemical that the owner or operator knows is present as a component of a mixture or trade name product which the owner or operator receives from another person, if that chemical is imported, processed, or otherwise used by the owner or operator in excess of an applicable threshold quantity in 40 CFR 372.25 at the facility as part of that mixture or trade name product.

(2) The owner or operator knows that a toxic chemical is present as a component of a mixture or trade name product:

(i) If the owner or operator knows or has been told the chemical identity or Chemical Abstracts Service Registry Number of the chemical and the identity or Number corresponds to an identity or Number in {40 CFR 372.65}, or

(ii) If the owner or operator has been told by the supplier of the mixture or trade name product that the mixture or trade name product contains a toxic chemical subject to Section 313 of EPCRA or {40 CFR 372}.

Part 4. Toxic Chemical Release Reporting (con't.)

References
40 CFR 372.30 (con't.)

(3) To determine whether a toxic chemical which is a component of a mixture or trade name product has been imported, processed, or otherwise used in excess of an applicable threshold in 40 CFR 372.25 at the facility, the owner or operator shall consider only the portion of the mixture or trade name product that consists of the toxic chemical and that is imported, processed, or otherwise used at the facility, together with any other amounts of the same toxic chemical that the owner or operator manufactures, imports, processes, or otherwise uses at the facility as follows:

(i) If the owner or operator knows the specific chemical identity of the toxic chemical and the specific concentration at which it is present in the mixture or trade name product, the owner or operator shall determine the weight of the chemical imported, processed, or otherwise used as part of the mixture or trade name product at the facility and shall combine that with the weight of the toxic chemical manufactured (including imported), processed, or otherwise used at the facility other than as part of the mixture or trade name product. After combining these amounts, if the owner or operator determines that the toxic chemical was manufactured, processed, or otherwise used in excess of an applicable threshold in 40 CFR 372.25, the owner or operator shall report the specific chemical identity and all releases of the toxic chemical on EPA Form R in accordance with the instructions referred to in Subpart E of {40 CFR 372}.

(ii) If the owner or operator knows the specific chemical identity of the toxic chemical and does not know the specific concentration at which the chemical is present in the mixture or trade name product, but has been told the upper bound concentration of the chemical in the mixture or trade name product, the owner or operator shall assume that the toxic chemical is present in the mixture or trade name product at the upper bound concentration, shall determine whether the chemical has been manufactured, processed, or otherwise used at the facility in excess of an applicable threshold as provided in paragraph (b)(3)(i) of this section, and shall report as provided in paragraph (b)(3)(i) of this section.

(iii) If the owner or operator knows the specific chemical identity of the toxic chemical, does not know the specific concentration at which the chemical is present in the mixture or trade name product, has not been told the upper bound concentration of the chemical in the mixture or trade name product, and has not otherwise developed information on the composition of the chemical in the mixture or trade name product, then the owner or operator is not required to factor that chemical in that mixture or trade name product into the threshold and release calculations for that chemical.

Part 4. Toxic Chemical Release Reporting (con't.)

References
40 CFR 372.30 (con't.)

(iv) If the owner or operator has been told that a mixture or trade name product contains a toxic chemical, does not know the specific chemical identity of the chemical and knows the specific concentration at which it is present in the mixture or trade name product, the owner or operator shall determine the weight of the chemical imported, processed, or otherwise used as part of the mixture or trade name product at the facility. Since the owner or operator does not know the specific identity of the toxic chemical, the owner or operator shall make the threshold determination only for the weight of the toxic chemical in the mixture or trade name product. If the owner or operator determines that the toxic chemical was imported, processed, or otherwise used as part of the mixture or trade name product in excess of an applicable threshold in 40 CFR 372.25, the owner or operator shall report the generic chemical name of the toxic chemical, or a trade name if the generic chemical name is not known, and all releases of the toxic chemical on EPA Form R in accordance with the instructions referred to in Subpart E of {40 CFR 372}.

(v) If the owner or operator has been told that a mixture or trade name product contains a toxic chemical, does not know the specific chemical identity of the chemical, and does not know the specific concentration at which the chemical is present in the mixture or trade name product, but has been told the upper bound concentration of the chemical in the mixture or trade name product, the owner or operator shall assume that the toxic chemical is present in the mixture or trade name product at the upper bound concentration, shall determine whether the chemical has been imported, processed, or otherwise used at the facility in excess of an applicable threshold as provided in paragraph (b)(3)(iv) of this section, and shall report as provided in paragraph (b)(3)(iv) of this section.

(vi) If the owner or operator has been told that a mixture or trade name product contains a toxic chemical, does not know the specific chemical identity of the chemical, does not know the specific concentration at which the chemical is present in the mixture or trade name product, including information they have themselves developed, and has not been told the upper bound concentration of the chemical in the mixture or trade name product, the owner or operator is not required to report with respect to that toxic chemical.

(c) A covered facility may consist of more than one establishment. The owner or operator of such a facility at which a toxic chemical was manufactured (including imported), processed, or otherwise used in excess of an applicable threshold may submit a separate Form R for each establishment or for each group of establishments within the facility to report the activities involving the toxic chemical at each establishment or group of establishments, provided that activities involving that toxic chemical at all the establishments within the covered facility are reported. If each establishment or group of

Table 4
Emergency Planning and Community Right-To-Know Act

Part 4. Toxic Chemical Release Reporting (con't.)

References
40 CFR 372.30 (con't.)

establishments files separate reports then for all other chemicals subject to reporting at that facility they must also submit separate reports. However, an establishment or group of establishments does not have to submit a report for a chemical that is not manufactured (including imported), processed, otherwise used, or released at that establishment or group of establishments.

(d) Each report under this section for activities involving a toxic chemical that occurred during a calendar year at a covered facility must be submitted on or before July 1 of the next year. The first such report for calendar year 1987 activities must be submitted on or before July 1, 1988.

(e) For reports applicable to activities for calendar years 1987, 1988, and 1989 only, the owner or operator of a covered facility may report releases of a specific toxic chemical to an environmental medium, or transfers of wastes containing a specific toxic chemical to an off-site location, of less than 1,000 pounds using the ranges provided in the form and instructions in Subpart E. For reports applicable to activities in calendar year 1990 and beyond, these ranges may not be used.

References
40 CFR 372.38

Exemptions

(a) De minimis concentrations of a toxic chemical in a mixture. If a toxic chemical is present in a mixture of chemicals at a covered facility and the toxic chemical is in a concentration in the mixture which is below 1 percent of the mixture, or 0.1 percent of the mixture in the case of a toxic chemical which is a carcinogen as defined in 29 CFR 1910.1200(d)(4), a person is not required to consider the quantity of the toxic chemical present in such mixture when determining whether an applicable threshold has been met under 40 CFR 372.25 or determining the amount of release to be reported under 40 CFR 372.30. This exemption applies whether the person received the mixture from another person or the person produced the mixture, either by mixing the chemical involved or by causing a chemical reaction which resulted in the creation of the toxic chemical in the mixture. However, this exemption applies only to the quantity of the toxic chemical present in the mixture. If the toxic chemical is also manufactured (including imported), processed, or otherwise used at the covered facility other than as part of the mixture or in a mixture at higher concentrations, in excess of an applicable threshold quantity set forth in 40 CFR 372.25, the person is required to report under 40 CFR 372.30.

(b) Articles. If a toxic chemical is present in an article at a covered facility, a person is not required to consider the quantity of the toxic chemical present in such article when determining whether an applicable threshold has been met under 40 CFR 372.25 or determining the amount of release to be reported under 40 CFR 372.30. This exemption applies

Part 4. Toxic Chemical Release Reporting (con't.)

References
40 CFR 372.38 (con't.)

whether the person received the article from another person or the person produced the article. However, this exemption applies only to the quantity of the toxic chemical present in the article. If the toxic chemical is manufactured (including imported), processed, or otherwise used at the covered facility other than as part of the article, in excess of an applicable threshold quantity set forth in 40 CFR 372.25, the person is required to report under 40 CFR 372.30. Persons potentially subject to this exemption should carefully review the definitions of article and release in 40 CFR 372.3. If a release of a toxic chemical occurs as a result of the processing or use an item at the facility, that item does not meet the definition of article.

(c) Uses. If a toxic chemical is used at a covered facility for a purpose described in this paragraph (c), a person is not required to consider the quantity of the toxic chemical used for such purpose when determining whether an applicable threshold has been met under 40 CFR 372.25 or determining the amount of releases to be reported under 40 CFR 372.30. However, this exemption only applies to the quantity of the toxic chemical used for the purpose described in this paragraph (c). If the toxic chemical is also manufactured (including imported), processed, or otherwise used at the covered facility other than as described in this paragraph (c), in excess of an applicable threshold quantity set forth in 40 CFR 372.25, the person is required to report under 40 CFR 372.30:

(1) Use as a structural component of the facility.

(2) Use of products for routine janitorial or facility grounds maintenance. Examples include use of janitorial cleaning supplies, fertilizers, and pesticides similar in type or concentration to consumer products.

(3) Personal use by employees or other persons at the facility of foods, drugs, cosmetics, or other personal items containing toxic chemicals, including supplies of such products within the facility such as in a facility operated cafeteria, store, or infirmary.

(4) Use of products containing toxic chemicals for the purpose of maintaining motor vehicles operated by the facility.

(5) Use of toxic chemicals present in process water and non-contact cooling water as drawn from the environment or from municipal sources, or toxic chemicals present in air used either as compressed air or as part of combustion.

(d) Activities in laboratories. If a toxic chemical is manufactured, processed, or used in a laboratory at a covered facility under the supervision of a technically qualified individual as defined in 40 CFR 720.3(ee) of this title, a person is not

Part 4. Toxic Chemical Release Reporting (con't.)

References
40 CFR 372.38 (con't.)

required to consider the quantity so manufactured, processed, or used when determining whether an applicable threshold has been met under 40 CFR 372.25 or determining the amount of release to be reported under 40 CFR 372.30. This exemption does not apply in the following cases:

(1) Specialty chemical production.

(2) Manufacture, processing, or use of toxic chemicals in pilot plant scale operations.

(3) Activities conducted outside the laboratory.

Chapter 5. Federal Insecticide, Fungicide, and Rodenticide Act

Purpose and Organization

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) was originally enacted in 1947 (P.L. 80-104). The Act has been amended a number of times, including the following:

- 1972 (P.L. 92-516) - The Federal Environmental Pesticide Control Act of 1972 virtually rewrote FIFRA.
- 1975 (P.L. 94-140) - This legislation reflected Congressional desire to limit the Environmental Protection Agency's (EPA's) authority to require farmers to take exams before being certified as applicators.
- 1978 (P.L. 95-396) - This act authorized EPA to conditionally register a pesticide pending study of the product's safety and to conduct generic reviews without requiring compensation for use of a company's data. Also, studies which demonstrate the efficacy of pesticides were made optional, therefore relieving EPA of the burden of determining whether a pesticide actually worked for the purposes claimed.
- 1980 (P.L. 96-539) - This legislation required Scientific Advisory Review of suspension actions and allowed for a two-house veto over EPA rules and regulations.
- 1988 (P.L. 100-532) - This act authorized that active ingredients in pesticides originally registered before November 1, 1984, must be reregistered by the EPA within nine years. A two-tier fee system was established to pay for the reregistration program. The amendments also corrected a flaw in the existing provisions involving compensation for cancelled pesticides.

Pesticide Registration

FIFRA governs the sale and use of pesticides. All pesticides sold in the United States must be registered with the EPA (authority for the implementation of FIFRA was originally placed with the U.S. Department of Agriculture, but was transferred to the EPA in 1970). Each applicant for registration of a pesticide must file a statement with the EPA which includes the following information: name and address of applicant; name of the pesticide; a complete copy of the pesticide label; the complete pesticide formula; and a request that the pesticide be classified for general use or for restricted use, or for both. Also, if requested, a full description of tests made and the results on which the claims are based must be provided.

Pesticide registration is very specific and is for a limited five-year period. Unless an interested party petitions for renewal, the registration automatically expires after the five-year period.

A *conditional* registration is authorized when certain data on a product's safety have either not yet been supplied to EPA or have not yet been analyzed to ensure "it will perform its intended function without unreasonable adverse effects on the environment."

Pesticide Classification

The pesticide is classified for general use if, when the pesticide is applied in accordance with its directions for use, it will not generally cause unreasonable adverse effects on the environment. The pesticide is classified for restricted use if, when the pesticide is applied in accordance with its directions for use, it may generally cause unreasonable adverse effects on the environment. If a pesticide is classified as being for restricted use, it may only be used by or under the direct supervision of a certified applicator.

Notification and Reporting Requirements

The following are reporting requirements under FIFRA:

- Any pesticide registrant that becomes aware of any unreasonable adverse effect on the environment must report such information to the EPA Administrator.

- ☐ Any unexpected adverse effects resulting from the use of a pesticide under a crisis, specific, quarantine, or public health exemption must be immediately reported to the EPA.

Specific exemption. A specific exemption may be authorized in an emergency condition to avert:

(1) a significant economic loss; or

(2) a significant risk to:

(i) endangered species,

(ii) threatened species,

(iii) beneficial organism's, or

(iv) the environment.

Quarantine exemption. A quarantine exemption may be authorized in an emergency condition to control the introduction or spread any pest new to or not theretofore known to be widely prevalent or distributed within and throughout the United States and its territories.

Public health exemption. A public health exemption may be authorized in an emergency condition to control a pest that will cause a significant risk to human health.

Crisis exemption. A crisis exemption may be utilized in an emergency condition when the time from discovery of the emergency to the time when the pesticide use is needed is insufficient to allow for the authorization of a specific, quarantine, or public health exemption.

Figure 5 guides the user to the various FIFRA notification and reporting requirements conveyed in this chapter that are relevant to a DOE facility or situation.

Figure 5: Federal Insecticide, Fungicide, and Rodenticide Act

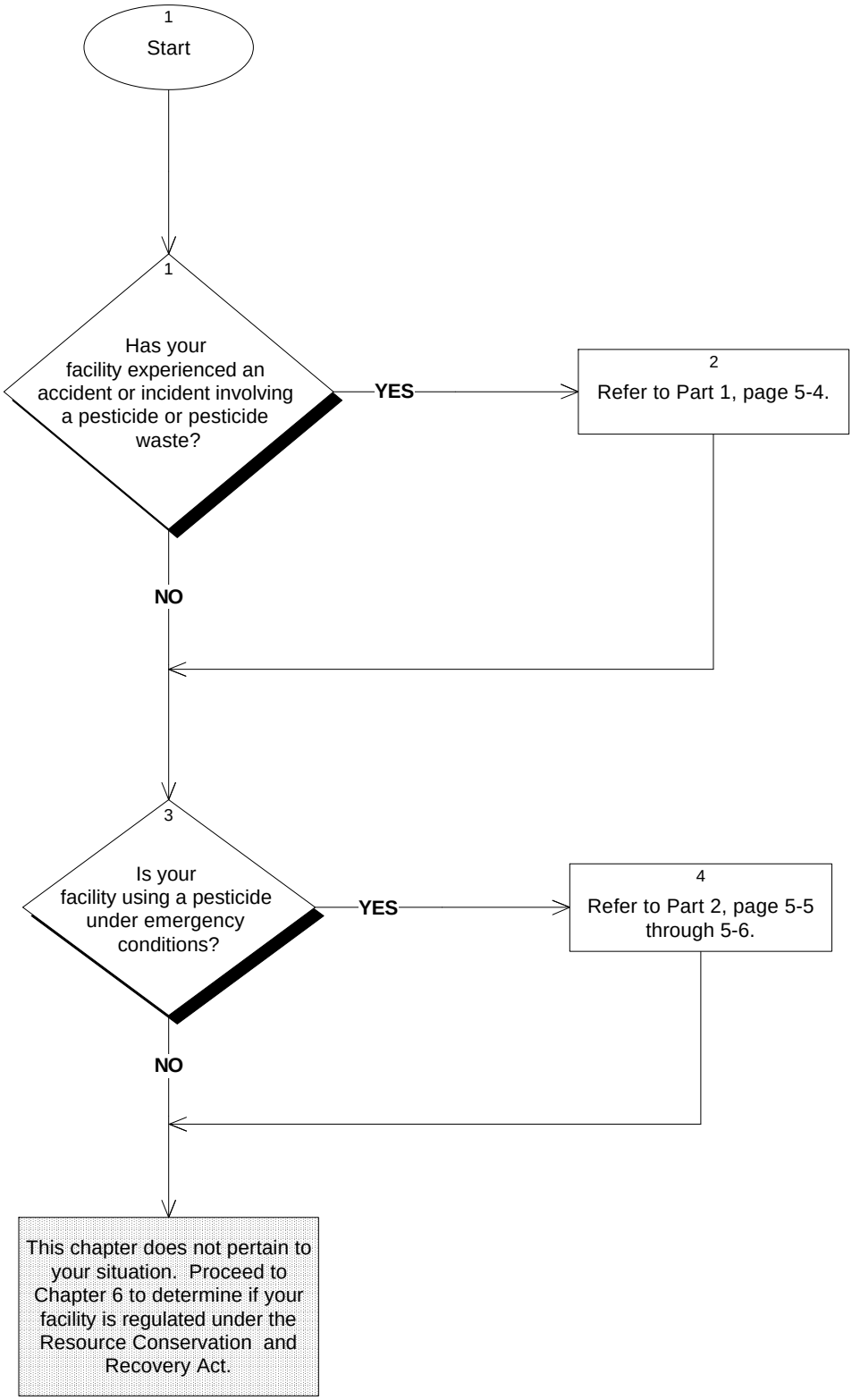


Table 5
Federal Insecticide, Fungicide, and Rodenticide Act

Part 1. Regulations for Acceptance of Certain Pesticides, Recommended Procedures for Disposal & Storage of Pesticides and Pesticide Containers

Authorizations
FIFRA Sections 19(a) 25(a)

References
40 CFR 165.2

Authorization and Scope

(g) To provide documentation of actual situations, all accidents or incidents involving the storage or disposal of pesticides, pesticide containers, or pesticide-related wastes should be reported to the Regional Administrator.

Table 5
Federal Insecticide, Fungicide, and Rodenticide Act

Part 2. Exemption of Federal and State Agencies for Use of Pesticides Under Emergency Conditions

Authorizations
FIFRA Section 4

References
40 CFR 166.32

Reporting...Requirements for Specific, Quarantine, and Public Health Exemptions

(a) Unexpected adverse effects information. Any unexpected adverse effects resulting from the use of a pesticide under a specific, quarantine, or public health exemption must be immediately reported to the Agency.

(b) Final reports. A report summarizing the results of pesticide use under a specific, quarantine, or public health exemption must be submitted to the Agency within 6 months from the expiration of the exemption unless otherwise specified by the Agency. The information in this report shall include all of the following:

(1) Total acreage, amount of commodity or other unit treated, and the total quantity of the pesticide used;

(2) A discussion of the effectiveness of the pesticide in dealing with the emergency condition;

(3) A description of any unexpected adverse effects which resulted from use of the pesticide under the exemption;

(4) The results of any monitoring required and/or carried out under the exemption;

(5) A discussion of any enforcement actions taken in connection with the exemption;

(6) Method(s) of disposition of a food crop, if required to be destroyed under an exemption; and

(7) Any other information requested by the Administrator.

References
40 CFR 166.50

Reporting ... Requirements for Crisis Exemption

(a) Adverse effects information. Any adverse effects resulting from the use of a pesticide under a crisis exemption must be immediately reported to the Agency.

(b) Final reports.

(1) A report summarizing the results of a treatment under a crisis exemption will be required to be submitted to the Agency within 3 months following the last date of treatment. If a specific, quarantine, or public health exemption

Table 5
Federal Insecticide, Fungicide, and Rodenticide Act

Part 2. Exemption of Federal and State Agencies for Use of Pesticides Under Emergency Conditions (con't.)

References
40 CFR 166.50 (con't.)

has been approved while the crisis exemption is in effect, however, the crisis exemption report may be incorporated into the specific, quarantine, or public health exemption final report required under 40 CFR 166.32(b) and submitted at the time it is due.

(2) Information to be included in the crisis exemption report includes the same information as required in 40 CFR 166.32(b) and an explanation as to why there was a need to utilize the crisis provisions.

Chapter 6. The Resource Conservation and Recovery Act

Purpose and Organization

In 1976 Congress remodeled the *Solid Waste Disposal Act*, which dealt with the disposal of nonhazardous waste, into a major new program on hazardous waste. The *Resource Conservation and Recovery Act* (RCRA) outlines the framework for achieving environmentally sound management of both hazardous and nonhazardous wastes. RCRA also promoted resource recovery techniques and methods to reduce the generation of waste. The *Hazardous and Solid Waste Amendments* of 1984 (HSWA) both expanded the scope of RCRA and increased the level of detail in many of its provisions.

RCRA, as amended, contains ten subtitles. Subtitle C (Hazardous Waste Management), Subtitle D (State and Regional Solid Waste Plans), Subtitle I (Regulation of Underground Storage Tanks), and Subtitle J (Demonstration Medical Waste Tracking Program) constitute the regulatory portion of the law. The other subtitles provide the legal and administrative structure for achieving the objectives of the law. The Environmental Protection Agency (EPA), Department of Commerce (DOC), DOE, and Department of the Interior (DOI) each have specific responsibilities under RCRA.

EPA issues guidelines and regulations for proper management of solid wastes, oversees and approves the development of State waste management plans, and provides financial aid to agencies and firms performing research on solid waste. DOC encourages greater commercialization of proven resource recovery technologies. DOE oversees activities involving research and development of new techniques for producing energy from wastes. DOI oversees mineral waste problems, including recovery of metals and minerals and methods for stabilizing mining wastes.

Hazardous Waste Generators

Generators of hazardous waste must notify EPA that the wastes exist and require management in compliance with RCRA. Proper identification and initial management of hazardous wastes promote the success of the "cradle-to-grave" program. Generators must determine if the wastes are hazardous. If so, they must notify EPA that they are managing a hazardous waste; obtain an EPA identification number for the generating facility; and verify that the transportation, treatment, storage, and disposal of the waste are conducted only by others with EPA numbers. Generators must also prepare the Uniform Hazardous Waste Manifest to accompany shipments of hazardous waste. The manifest includes the name and EPA identification number of persons authorized to manage the waste and serves as a document of accountability to prevent improper disposal. The manifest system promotes self-enforcement of RCRA's requirements.

Materials Regulated under RCRA

Under RCRA, no material can be a hazardous waste without first being a solid waste. RCRA defines a *solid waste* as:

> ...any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial or mining and agricultural operations, and from community activities...[excluding] ...solid or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows, or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act..., or source, special nuclear, or byproduct material as defined by the Atomic Energy Act [AEA] of 1954.... [Section 1004(27)]

RCRA then defines *a hazardous waste* as:

> a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may... cause, or significantly contribute to an increase in mortality or an increase in serious

irreversible, or incapacitating reversible, illness; or... pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. [Section 1004(5)].

Several wastes important to DOE are excluded from the RCRA definition of solid wastes. They include source, special nuclear, or byproduct material as defined by the AEA; waste from extraction, beneficiation, and processing of ores and minerals, including overburden from mining uranium ores; utility wastes; oil and gas drilling muds and brines; and wastes that are reused or recycled, except for the storage and transportation of sludges and listed wastes.

A solid waste is hazardous if it is not excluded by regulation and if it is listed as a hazardous waste, is a waste mixture containing one or more listed hazardous wastes, or exhibits one or more characteristics of hazardous waste (i.e., ignitability, corrosivity, reactivity, or toxicity). Listed wastes meet the definition of *hazardous waste* regardless of the concentration of hazardous constituents. Currently, the only way to have a listed waste relieved from hazardous waste management requirements is to petition EPA to delist the waste. Listed wastes mixed with any other materials are hazardous wastes, and mixtures of characteristic hazardous waste with other materials are considered hazardous waste if they still exhibit the characteristic after being mixed. A characteristic waste remains hazardous only as long as it exhibits the hazardous characteristics.

Treatment, Storage, and Disposal

RCRA requires that every owner or operator of a treatment, storage, or disposal (TSD) facility obtain a permit in order to operate. Congress, recognizing that a permitting program would take time to implement, established an interim permit that allowed hazardous waste management facilities already in place on November 19, 1980, to operate legally without final permits. Managers had to notify EPA that the facility existed and to file a preliminary (Part A) permit application. Interim status ends when the final (Part B) permit is granted or the facility closes. New facilities and those that did not qualify for interim status may not operate without a final Part B permit. Note that, to date, not all final permits have been issued, and interim status facilities still represent a large segment of regulated TSD facilities.

Each DOE facility that treats, stores, or disposes of hazardous waste must receive a permit (40 CFR Part 270) from EPA or an authorized State agency, except where RCRA permitting requirements are inconsistent with the AEA. However, certain DOE facilities do not require a RCRA permit: (1) generators who accumulate hazardous waste on site for less than 90 days and (2) those who own or operate facilities solely for the treatment, storage, or disposal of hazardous waste excluded from regulation.

Hazardous and Solid Waste Amendments

The 1984 *Hazardous and Solid Waste Amendments* (HSWA) addressed Congressional concern that inadequate or improper controls for management of hazardous waste would increase risks to human health and the environment. HSWA introduced four major changes in RCRA. First Congress restricted land disposal of untreated hazardous waste unless it could be demonstrated that there will be no migration of hazardous constituents from the disposal unit for as long as the wastes remain hazardous [Section 3004(d)(1)]. Second, facilities were required to adopt "minimum technical requirements" for landfills and surface impoundments to keep hazardous constituents from migrating into groundwater and to permit detection if migration occurs. Third, EPA was granted the authority to require corrective action for releases of hazardous constituents from any solid waste disposal unit at a facility seeking a RCRA permit. Fourth, section 3004(n) required EPA to develop and issue standards designed to control air emissions from units located at hazardous waste TSD facilities including process vents and equipment leaks, as well as tanks, containers, and surface impoundments.

Underground Storage Tanks

Subtitle I (implemented at 40 CFR Part 280), added by HSWA, established a program to regulate the three to five million underground storage tanks (USTs) in the U.S. and to prevent their leaking. Under this subtitle RCRA regulates the storage of a product (e.g., petroleum products), rather than hazardous waste. In addition the substances regulated under Subtitle I include all the hazardous substances (except those

regulated as a hazardous waste under Subtitle C of RCRA) defined under the *Comprehensive Environmental Response, Compensation, and Liability Act* (CERCLA). *Hazardous substances* under CERCLA encompass a wide variety of items regulated under other Federal statutes including the *Clean Water Act, Clean Air Act,* and *Toxic Substances Control Act.* (Radionuclides, which are specifically excluded under RCRA's definition of *solid waste,* are regulated under CERCLA because they are defined as *hazardous air pollutants* under the *Clean Air Act*.) Subtitle I of RCRA regulates USTs containing radioactive materials, unless they are "mixed" with hazardous waste, in which case they are regulated under Subtitle C.

Federal agencies and departments, including DOE, that own or operate USTs are subject to and must comply with all applicable Federal, State, interstate, and local requirements, except when the President determines that exemption of specific tanks from these requirements is in the "paramount" interest of the United States.

States with RCRA Authority

Section 3006 of RCRA authorizes States to develop and enforce their own hazardous waste programs in place of the Federal program administered by EPA. Prior to administrating any of the provisions of HSWA, authorized States must again go through the State program approval process.

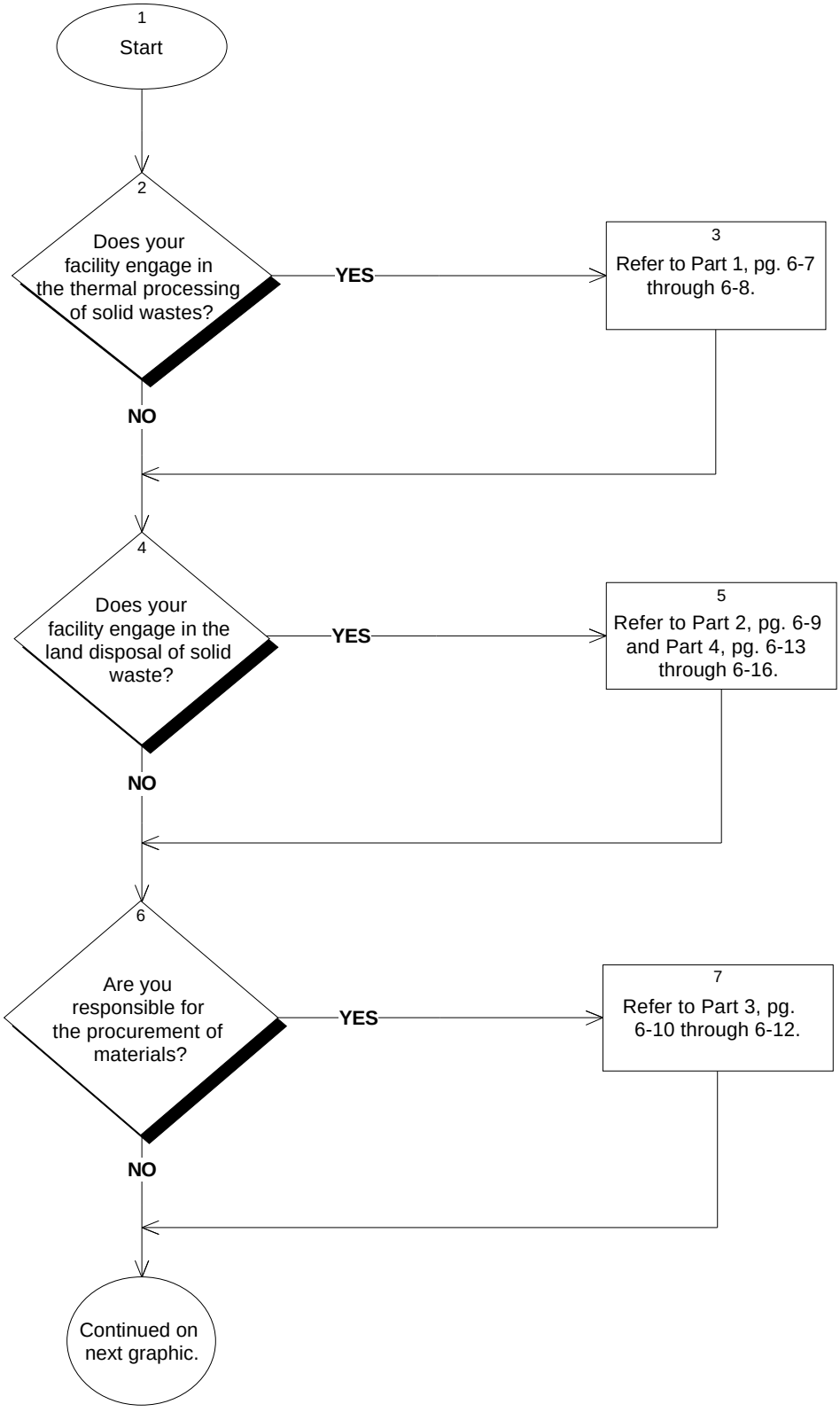
Notification and Reporting Requirements

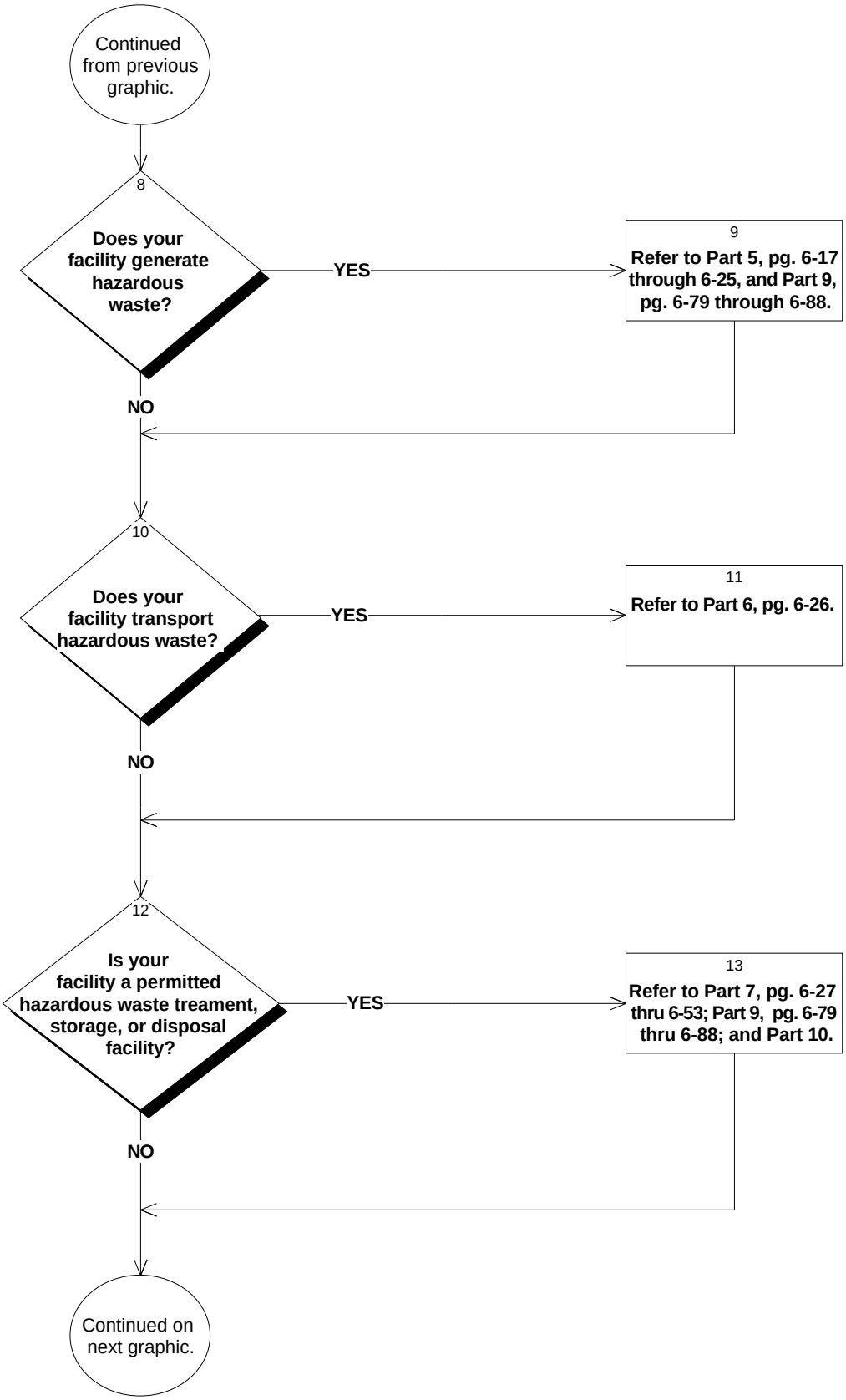
Noficiation and reporting requirements under RCRA include the following:

- emergency notifications by small quantity generators (SQGs) and large quantity generators (LQGs);
- manifest exception reporting;
- notifications by hazardous waste exporters;
- reporting hazardous waste discharges by transporters;
- reporting hazardous waste discharges from vessels or facilities;
- reporting by owners/operators of permitted treatment, storage, and disposal (TSD) facilities, including:
  - reports required by use of the manifest system,
  - detection monitoring reports,
  - compliance monitoring reports,
  - corrective action reporting,
  - notification prior to certain hazardous waste tank inspections,
  - reports of noncompliance with volatile organic air emission control requirements, and
  - notification of spills from tank systems or secondary containment, leaks from surface impoundments, leaks from waste piles, leaks from landfills, and air emissions from process vents and equipment leaks;
- reporting by owners/operators of interim status TSD facilities, including:
  - emergency release reporting,
  - biennial reports,
  - ground water monitoring reports,
  - notification prior to certain hazardous waste tank inspections, and
  - notification of spills from tank systems or secondary containment and leaks from waste piles, leaks from landfills, and air emissions from process vents and equipment leaks;
- reporting by generators testing Land Disposal Restrictions (LDR) wastes;
- permit noncompliance reporting;
- reporting by owners/operators of used oil processors; and
- reporting by owners/operators of underground storage tank (UST) systems.

Figure 6 guides the user to the various RCRA notification and reporting requirements conveyed in this chapter that are relevant to a DOE facility or situation.

Figure 6: Resource Conservation and Recovery Act




Continued from previous graphic.
8
Does your facility generate hazardous waste?
YES
9
Refer to Part 5, pg. 6-17 through 6-25, and Part 9, pg. 6-79 through 6-88.
NO
10
Does your facility transport hazardous waste?
YES
11
Refer to Part 6, pg. 6-26.
NO
12
Is your facility a permitted hazardous waste treament, storage, or disposal facility?
YES
13
Refer to Part 7, pg. 6-27 thru 6-53; Part 9, pg. 6-79 thru 6-88; and Part 10.
NO
Continued on next graphic.

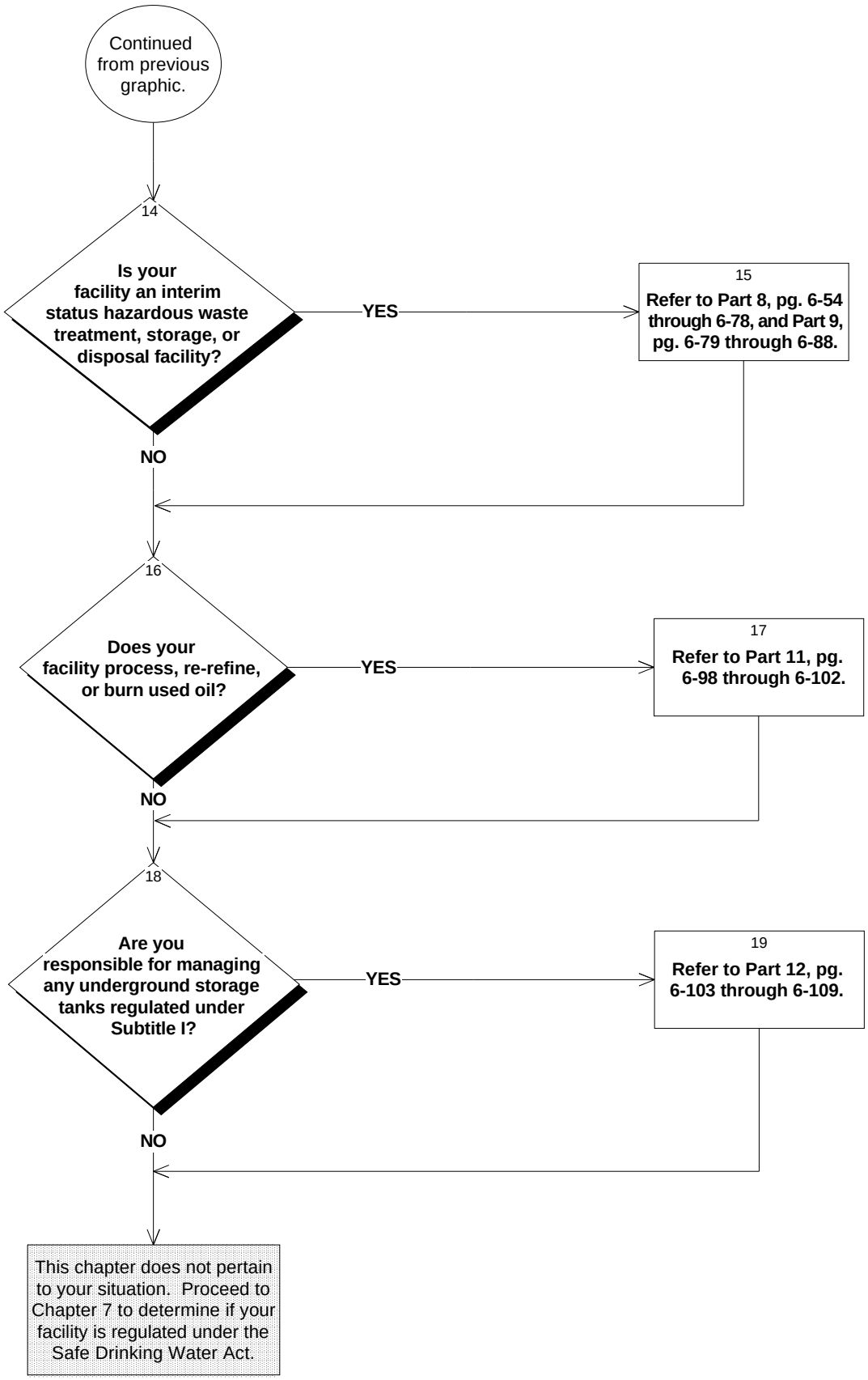

Continued from previous graphic.
14
Is your facility an interim status hazardous waste treatment, storage, or disposal facility?
YES
15
Refer to Part 8, pg. 6-54 through 6-78, and Part 9, pg. 6-79 through 6-88.
NO
16
Does your facility process, re-refine, or burn used oil?
YES
17
Refer to Part 11, pg. 6-98 through 6-102.
NO
18
Are you responsible for managing any underground storage tanks regulated under Subtitle I?
YES
19
Refer to Part 12, pg. 6-103 through 6-109.
NO
This chapter does not pertain to your situation. Proceed to Chapter 7 to determine if your facility is regulated under the Safe Drinking Water Act.

Table 6
Resource Conservation and Recovery Act

Part 1. Guidelines for the Thermal Processing of Solid Wastes

Authorizations
RCRA Section 1008, or 3004

References
40 CFR 240.201-3

References
40 CFR 240.204-3

References
40 CFR 240.211

Thermal Processing - Solid Waste Excluded: Recommended Procedures: Operations

(a) Regular users of the facility should be given a list of excluded materials. The list should also be displayed prominently at the facility entrance. If a regular user persists in making unacceptable deliveries, he should be barred from the installation and reported to the responsible agency.

Thermal Processing - Water Quality: Recommended Procedures: Operations

(a) When monitoring instrumentation indicates excessive discharge contamination, appropriate adjustments should be made to lower the concentrations to acceptable levels.

(b) In the event of an accidental spill, the local regulatory agency should be notified immediately.

Therman Processing - Records: Recommended Procedures: Operations

(d) An annual report should be prepared which includes at least the following information:

(1) Minimum, average, and maximum daily volume and weight of waste received and processed, summarized on a monthly basis.

(2) A summary of the laboratory analyses including at least monthly averages.

(3) Number and qualifications of personnel in each job category; total man-hours per week; number of State certified or licensed personnel; staffing deficiencies; and serious injuries, their cause and preventive measures instituted.

(4) An identification and brief discussion of major operational problems and solutions.

(5) Adequacy of operation and performance with regard to environmental requirements, the general level of housekeeping and maintenance, testing and reporting proficiency, and recommendations for corrective actions.

(6) A copy of all significant correspondence, reports, inspection reports, and any other communications from enforcement agencies. Methodology for evaluating the facility's performance should be developed. Evaluation

Table 6
Resource Conservation and Recovery Act

Part 1. Guidelines for the Thermal Processing of Solid Wastes (con't.)

References 40 CFR 240.211 (con't.)	procedures recommended by the U.S. Environmental Protection Agency should be used whenever possible (see bibliography of 40 CFR Part 240).

Table 6
Resource Conservation and Recovery Act

Part 2. Guidelines for the Land Disposal of Solid Wastes

Authorizations
RCRA Section 211

References
40 CFR 241.201-3

References
40 CFR 241.211-3

Land Disposal - Solid Wastes Excluded: Recommended Procedures: Operations

Regular users of the land disposal site should be provided with a list of the materials to be excluded. The list should also be displayed prominently at the site entrance. If a regular user persists in making unacceptable deliveries, he should be barred from the site and reported to the responsible agency.

Land Disposal - Safety: Recommended Procedures: Operations

(h) Traffic signs or markers should be provided to promote an orderly traffic pattern to and from the discharge area, maintain efficient operating conditions, and, if necessary, restrict access to hazardous areas. Drivers of manually discharging vehicles should not hinder operation of mechanically discharging vehicles. Vehicles should not be left unattended at the working face or along traffic routes. If a regular user persistently poses a safety hazard, he should be barred from the site and reported to the responsible agency.

Table 6
Resource Conservation and Recovery Act

Part 3. Guidelines for Federal Procurement

Authorizations
RCRA Section 6002

References
40 CFR 248.24

Procurement of Building Insulation Products Containing Recovered Materials - Annual Review and Monitoring

(c) Procuring agencies should prepare a report on their annual review and monitoring of the effectiveness of their procurement programs and make these reports available to the public. The reports should contain the following information:

(1) If the case-by-case approach or a substantially equivalent alternative is being used, a discussion of how the procuring agency's approach procures building insulation products containing recovered materials to the maximum extent practicable. The basis for this discussion should be a review of the data compiled on recovered materials content, price, availability, and performance, as well as a comparison of estimates and certifications provided by the vendors.

(2) If the minimum content standards approach is being used, a discussion of whether the minimum content standards in use should be raised, lowered, or remain constant for each item. The basis for this discussion should be a review of the data compiled on recovered materials content, price, availability, and performance, as well as a comparison of estimates and certifications provided by the vendors.

(3) Documentation of specification revisions made during the year.

References
40 CFR 249.31

Procurement of Cement and Concrete Containing Fly Ash - Recommendations for Documentation

(a) The supplier's certification of fly ash content should not require separate reporting forms, but should make use of existing mechanisms, such as a statement contained in a signed bid document or a mix design proposal.

(b) In cases where the purchase of cement or concrete is not under the direct control of the procuring agency, as in the case of certain indirect purchases, the fly ash content of the cement or concrete purchased and quantity of fly ash used should be made available to the procuring agency.

References
40 CFR 250.24

Procurement of Paper and Paper Products Containing Recovered Materials - Annual Review and Monitoring

(c) Procuring agencies should prepare a report on their annual review and monitoring of the effectiveness of their procurement programs and make the report available to the public. The report should contain the following information:

Table 6
Resource Conservation and Recovery Act

Part 3. Guidelines for Federal Procurement (con't.)

References
40 CFR 250.24 (con't.)

(1) If the case-by-case approach is being used, a demonstration that they procure paper and paper products containing post-consumer recovered materials to the maximum extent practicable. The basis for this determination should be a review of the data compiled on recovered materials content, price, availability, and performance, as well as a comparison of estimates and certifications provided by the vendors.

(2) If the minimum content standards approach is being used, a determination of whether the minimum content standards in use should be raised, lowered, or remain constant for each item. The basis for these determinations should be a review of the data compiled on post-consumer recovered materials content, price, availability, and performance, as well as a comparison of estimates and certifications provided by the vendors.

(3) Documentation of specification revisions made during the year.

References
40 CFR 252.24

Procurement of Lubricating Oils Containing Re-refined Oil - Annual Review and Monitoring

(d) Procuring agencies should prepare a report on their annual review and monitoring of the effectiveness of their procurement programs and make it available to the public. The report should include:

(1) (i) A discussion of the procuring agency's decision to raise or lower the minimum content standards in use, if the agency uses the minimum content standards approach, or

(ii) A demonstration that the procuring agency's use of the case-by-case approach or a substantially equivalent alternative satisfies the requirement to procure lubricating oils containing re-refined oil to the maximum extent practicable; and

(2) Documentation of specification revisions made during the reporting period.

References
40 CFR 253.24

Procurement of Retread Tires - Annual Review and Monitoring

(b) Procuring agencies should prepare a report on their annual review and monitoring of the effectiveness of their procurement programs and make these reports available to the public. The reports should contain the following information:

Table 6
Resource Conservation and Recovery Act

Part 3. Guidelines for Federal Procurement (con't.)

References
40 CFR 253.24 (con't.)

(1) A discussion of how the procuring agency's approach procures retread tires or tire retreading services to the maximum extent practicable. The basis for this discussion should be a review of the data compiled on price, availability, and performance, as well as a comparison of estimates and certifications provided by the vendors.

(2) Documentation of specification revisions made during the year.

Part 4. Criteria for Municipal Solid Waste Landfills

Authorizations
RCRA Section 3004

References
40 CFR 258.10

Location Restrictions - Airport Safety

(b) Owners or operators proposing to site new MSWLF units and lateral expansions within a five-mile radius of any airport runway end used by turbojet or piston-type aircraft must notify the affected airport and the Federal Aviation Administration (FAA).

(c) The owner or operator must place the demonstration in paragraph (a) of 40 CFR Part 258.10 in the operating record and notify the State Director that it has been placed in the operating record.

(d) For purposes of this section:

(1) Airport means public-use airport open to the public without prior permission and without restrictions within the physical capacities of available facilities.

(2) Bird hazard means an increase in the likelihood of bird/aircraft collisions that may cause damage to the aircraft or injury to its occupants.

References
40 CFR 258.20

Operating Criteria - Procedures for Excluding the Receipt of Hazardous Waste

(a) Owners or operators of all MSWLF units must implement a program at the facility for detecting and preventing the disposal of regulated hazardous wastes as defined in {40 CFR Part 261} and polychlorinated biphenyls (PCB) wastes as defined in 40 CFR Part 761. This program must include, at a minimum:

(1) Random inspections of incoming loads unless the owner or operator takes other steps to ensure that incoming loads do not contain regulated hazardous wastes or PCB wastes.

(2) Records of any inspections.

(3) Training of facility personnel to recognize regulated hazardous waste and PCB wastes.

(4) Notification of State Director of authorized States under Subtitle C of RCRA or the EPA Regional Administrator if in an unauthorized State if a regulated hazardous waste or PCB waste is discovered at the facility.

Table 6
Resource Conservation and Recovery Act

Part 4. Criteria for Municipal Solid Waste Landfills (con't.)

References
40 CFR 258.20 (con't.)

(b) For purposes of this section, regulated hazardous waste means a solid waste that is a hazardous waste, as defined in 40 CFR 261.3, that is not excluded from regulation as a hazardous waste under 40 CFR 261.4(b) or was not generated by a conditionally exempt small quantity generator as defined in 40 CFR 261.5 of this chapter.

References
40 CFR 258.29

Operating Criteria - Recordkeeping Requirements

(a) The owner or operator of a MSWLF unit must record and retain near the facility in an operating record or in an alternative location approved by the Director of an approved State the following information as it becomes available:

(1) Any location restriction demonstration required under Subpart B of 40 CFR Part 258.

(2) Inspection records, training procedures, and notification procedures required in 40 CFR 258.20.

(3) Gas monitoring results from monitoring and any remediation plans required by 40 CFR 258.23.

(4) Any MSWLF unit design documentation for placement of leachate or gas condensate in a MSWLF unit as required under 40 CFR 258.28(a)(2).

(5) Any demonstration, certification, finding, monitoring, testing, or analytical data required by Subpart E of 40 CFR Part 258.

(6) Closure and post-closure care plans and any monitoring, testing, or analytical data as required by 40 CFR 258.60 and 258.61.

(7) Any cost estimates and financial assurance documentation required by Subpart G of 40 CFR Part 258.

(8) Any information demonstrating compliance with the small community exemption as required by 40 CFR 258.1(f)(2).

(b) The owner/operator must notify the State Director when the documents from paragraph (a) of this section have been placed {in} or added to the operating record, and all information contained in the operating record must be furnished upon request to the State Director or be made available at all reasonable times for inspection by the State Director.

Table 6
Resource Conservation and Recovery Act

Part 4. Criteria for Municipal Solid Waste Landfills (con't.)

References
40 CFR 258.55

Groundwater Monitoring and Corrective Action - Assessment Monitoring Program

(d) After obtaining the results from the initial or subsequent sampling events required in {40 CFR 258.55(b)}, the owner or operator must:

(1) Within 14 days, place a notice in the operating record identifying the Appendix II constituents that have been detected and notify the State Director that this notice has been placed in the operating record.

(2) Within 90 days, and on at least a semiannual basis thereafter, resample all wells specified by 40 CFR 258.51(a), conduct analyses for all constituents in Appendix I to 40 CFR Part 258 or in the alternative list approved in accordance with 40 CFR 258.54(a)(2), and for those constituents in Appendix II to 40 CFR Part 258 that are detected in response to paragraph (b) of this section, and record their concentrations in the facility operating record. At least one sample from each well (background and down gradient) must be collected and analyzed during these sampling events. The Director of an approved State may specify an alternative monitoring frequency during the active life (including closure) and the post-closure period for the constituents referred to in this paragraph. The alternative frequency for Appendix I constituents, or the alternative list approved in accordance with 40 CFR 258.54(a)(2), during the active life (including closure) shall be no less than annual. The alternative frequency shall be based on consideration of the factors specified in paragraph (c) of 40 CFR 258.55.

(3) Establish background concentrations for any constituents detected pursuant to paragraph (b) or (d)(2) of 40 CFR 258.55.

(4) Establish ground-water protection standards for all constituents detected pursuant to paragraph (b) or (d) of {40 CFR 258.53}. The ground-water protection standards shall be established in accordance with paragraphs (h) or (i) of 40 CFR 258.55.

(e) If the concentrations of all Appendix II constituents are shown to be at or below background values, using the statistical procedures in 40 CFR 258.53(g), for two consecutive sampling events, the owner or operator must notify the State Director of this finding and may return to detection monitoring.

(f) If the concentrations of any Appendix II constituents are above background values, but all concentrations are below the ground-water protection standard established under paragraphs (h) or (i) of 40 CFR Part 258, using the statistical

Table 6
Resource Conservation and Recovery Act

Part 4. Criteria for Municipal Solid Waste Landfills (con't.)

References
40 CFR 258.55 (con't.)

procedures in 40 CFR 258.53(g), the owner or operator must continue assessment monitoring in accordance with this section.

(g) If one or more Appendix II constituents are detected at statistically significant levels above the ground-water protection standard established under paragraphs (h) or (i) of 40 CFR Part 258 in any sampling event, the owner or operator must, within 14 days of this finding, place a notice in the operating record identifying the Appendix II constituents that have exceeded the ground-water protection standard and notify the State Director and all appropriate local government officials that the notice has been placed in the operating record. The owner or operator also:

(1) (i) Must characterize the nature and extent of the release by installing additional monitoring wells as necessary,

(ii) Must install at least one additional monitoring well at the facility boundary in the direction of contaminant migration and sample this well in accordance with 40 CFR 258.55(d)(2),

(iii) Must notify all persons who own the land or reside on the land that directly overlies any part of the plume of contamination if contaminants have migrated off-site if indicated by sampling of wells in accordance with 40 CFR 258.55 (g)(l), and

(iv) Must initiate an assessment of corrective measures as required by 40 CFR 255.56 within 90 days, or

(2) May demonstrate that a source other than a MSWLF unit caused the contamination, or that the statistically significant increase resulted from error in sampling, analysis, statistical evaluation, or natural variation in ground-water quality. A report documenting this demonstration must be certified by a qualified ground-water scientist or approved by the Director of an approved State and placed in the operating record. If a successful demonstration is made, the owner or operator must continue monitoring in accordance with the assessment monitoring program pursuant to 40 CFR 258.55, and may return to detection monitoring if the Appendix II constituents are at or below background as specified in 40 CFR 258.55(e). Until a successful demonstration is made, the owner or operator must comply with 40 CFR 258.55(g) including initiating an assessment of corrective measures.

Table 6
Resource Conservation and Recovery Act

Part 5. Standards Applicable to Generators of Hazardous Waste

Authorizations
RCRA Section 3002

References
40 CFR 262.34

Accumulation Time

(d) A generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month may accumulate hazardous waste on-site for 180 days or less without a permit or without having interim status provided that:

(5) (i) At all times there must be at least one employee either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures specified. This employee is the emergency coordinator.

(iv) The emergency coordinator or his designee must respond to any emergencies that arise. The applicable responses are as follows:

(A) In the event of a fire, call the fire department or attempt to extinguish it using a fire extinguisher.

(B) In the event of a spill, contain the flow of hazardous waste to the extent possible, and as soon as is practicable, clean up the hazardous waste and any contaminated materials or soil.

(C) In the event of a fire, explosion, or other release which could threaten human health outside the facility or when the generator has knowledge that a spill has reached surface water, the generator must immediately notify the NRC (using their 24-hour toll free number 800/424-8802). The report must include the following information:

(1.) The name, address, and U.S. EPA Identification Number of the generator.

(2.) Date, time, and type of incident (e.g., spill or fire).

(3.) Quantity and type of hazardous waste involved in the incident.

(4.) Extent of injuries, if any.

(5.) Estimated quantity and disposition of recovered materials, if any.

Table 6
Resource Conservation and Recovery Act

Part 5. Standards Applicable to Generators of Hazardous Waste (con't.)

References
40 CFR 262.34 (con't.)

(e) A generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and who must transport his waste, or offer his waste for transportation, over a distance of 200 miles or more for off-site treatment, storage, or disposal may accumulate hazardous waste on-site for 270 days or less without a permit or without having interim status provided that he or she complies with the requirements of paragraph (d) above.

Authorizations
RCRA Sections 3002 and 3004(n)

Air Emission Standards for Hazardous Waste Tanks and Containers - Standards: Tanks

References
40 CFR 265.1085(e)(3)(iv) and (f)(3)(iii)
[40 CFR 262.34(a)(1)(ii) requires compliance with tank standards including 40 CFR 265.202. Section 265.202 requires hazardous wastes be managed in a tank in accordance with 40 CFR 265, Subpart CC including 265.1085(e)(3)(iv) and (f)(3)(iii).]

(e) (3) The owner or operator shall inspect the ***internal floating roof*** in accordance with the procedures specified as follows:

(iv) Prior to each inspection required by paragraph (e)(3)(ii) or (e)(3)(iii) of this section, the owner or operator shall notify the Regional Administrator in advance of each inspection to provide the Regional Administrator with the opportunity to have an observer present during the inspection. The owner or operator shall notify the Regional Administrator of the date and location of the inspection as follows:

(A) Prior to each visual inspection of an internal floating roof in a tank that has been emptied and degassed, written notification shall be prepared and sent by the owner or operator so that it is received by the Regional Administrator at least 30 calendar days before refilling the tank except when an inspection is not planned as provided for in paragraph (e)(3)(iv)(B) of this section.

(B) When a visual inspection is not planned and the owner or operator could not have known about the inspection 30 calendar days before refilling the tank, the owner or operator shall notify the Regional Administrator as soon as possible, but no later than 7 calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation for why the inspection is unplanned. Alternatively, written notification, including the explanation for the unplanned inspection, may be sent so that it is received by the Regional Administrator at least 7 calendar days before refilling the tank.

Table 6
Resource Conservation and Recovery Act

Part 5. Standards Applicable to Generators of Hazardous Waste (con't.)

References 40 CFR 265.1085(e)(3)(iv) and (f)(3)(iii) (con't.)	(f) (3) The owner or operator shall inspect the external floating roof in accordance with the procedures specified as follows: (iii) Prior to each inspection required by paragraph (f)(3)(i) or (f)(3)(ii) of this section, the owner or operator shall notify the Regional Administrator in advance of each inspection to provide the Regional Administrator with the opportunity to have an observer present during the inspection. The owner or operator shall notify the Regional Administrator of the date and location of the inspection as follows: (A) Prior to each inspection to measure external floating roof seal gaps as required under paragraph (f)(3)(i) of this section, written notification shall be prepared and sent by the owner or operator so that it is received by the Regional Administrator at least 30 calendar days before the date the measurements are scheduled to be performed. (B) Prior to each visual inspection of an external floating roof in a tank that has been emptied and degassed, written notification shall be prepared and sent by the owner or operator so that it is received by the Regional Administrator at least 30 calendar days before refilling the tank except when an inspection is not planned as provided for in paragraph (f)(3)(iii)(C) of this section. (C) When a visual inspection is not planned and the owner or operator could not have known about the inspection 30 calendar days before refilling the tank, the owner or operator shall notify the Regional Administrator as soon as possible, but no later than 7 calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation for why the inspection is unplanned. Alternatively, written notification, including the explanation for the unplanned inspection, may be sent so that it is received by the Regional Administrator at least 7 calendar days before refilling the tank.

Table 6
Resource Conservation and Recovery Act

Part 5. Standards Applicable to Generators of Hazardous Waste (con't.)

References
40 CFR 262.41

Biennial Report

(a) A generator who ships any hazardous waste off-site to a treatment, storage, or disposal facility within the United States must prepare and submit a single copy of a Biennial Report to the Regional Administrator by March 1 of each even numbered year. The Biennial Report must be submitted on EPA Form 8700-13A, must cover generator activities during the previous year, and must include the following information:

(1) The EPA identification number, name, and address of the generator.

(2) The calendar year covered by the report.

(3) The EPA identification number, name, and address for each off-site treatment, storage, or disposal facility in the United States to which waste was shipped during the year.

(4) The name and EPA identification number of each transporter used during the reporting year for shipments to a treatment, storage, or disposal facility within the United States.

(5) A description, EPA hazardous waste number (from 40 CFR part 261, Subpart C or D), Department of Transportation (DOT) hazard class, and quantity of each hazardous waste shipped off-site for shipments to a treatment, storage, or disposal facility within the United States. This information must be listed by EPA identification number of each off-site facility to which waste was shipped.

(6) A description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated.

(7) A description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available for years prior to 1984.

Part 5. Standards Applicable to Generators of Hazardous Waste (con't.)

References
40 CFR 262.41 (con't.)

(8) The certification signed by the generator or authorized representative.

(b) Any generator who treats, stores, or disposes of hazardous waste on-site must submit a biennial report covering these wastes in accordance with the provisions of 40 CFR Parts 270, 264, 265, and 266. Reporting for exports of hazardous waste is not required on the Biennial Report form. A separate annual report requirement is set forth at 40 CFR 262.56.

References
40 CFR 262.42

Exception Reporting

(a) (1) A generator of greater than 1000 kilograms of hazardous waste in a calendar month who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 35 days of the date the waste was accepted by the initial transporter must contact the transporter and/or the owner or operator of the designated facility to determine the status of the hazardous waste.

(2) A generator of greater than 1000 kilograms of hazardous waste in a calendar month must submit an Exception Report to the EPA Regional Administrator for the Region in which the generator is located if he or she has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter.

The exception report must include:

(i) A legible copy of the manifest for which the generator does not have confirmation of delivery.

(ii) A cover letter signed by the generator or his authorized representative explaining the efforts taken to locate the hazardous waste and the results of those efforts.

(b) A generator of greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 60 days of the date the waste was accepted by the initial transporter must submit a legible copy of the manifest, with some indication that the generator has not received confirmation of delivery, to the EPA Regional Administrator for the region in which the generator is located.

Table 6
Resource Conservation and Recovery Act

Part 5. Standards Applicable to Generators of Hazardous Waste (con't.)

References
40 CFR 262.44

Special Requirements for Generators of Between 100 and 1000 kilograms/month

A generator of greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month is subject only to the following requirements:

(a) Section 262.40 (Recordkeeping).

(b) Section 262.42(b) (Exception Reporting).

(c) Section 262.43 (Additional Reporting).

References
40 CFR 262.53

Notification of Intent to Export

(a) A primary exporter of hazardous waste must notify EPA of an intended export before such waste is scheduled to leave the United States. A complete notification should be submitted 60 days before the initial shipment is intended to be shipped offsite. This notification may cover export activities extending over a 12 month or lesser period. The notification must be in writing, signed by the primary exporter, and include the following information:

(1) Name, mailing address, telephone number and EPA ID number of the primary exporter.

(2) By consignee, for each hazardous waste type:

(i) A description of the hazardous waste and the EPA hazardous waste number, U.S. DOT proper shipping name, hazard class and ID number (UN/NA) for each hazardous waste as identified in 49 CFR Parts 171 through 177.

(ii) The estimated frequency or rate at which such waste is to be exported and the period of time over which such waste is to be exported.

(iii) The estimated total quantity of the hazardous waste in units as specified in the instructions to the Uniform Hazardous Waste Manifest Form (8700-22).

Part 5. Standards Applicable to Generators of Hazardous Waste (con't.)

References
40 CFR 262.53 (con't.)

(iv) All points of entry to and departure from each foreign country through which the hazardous waste will pass.

(v) A description of the means by which each shipment of the hazardous waste will be transported (e.g., mode of transportation vehicle (air, highway, rail, water, etc.), type(s) of container (drums, boxes, tanks, etc.).

(vi) A description of the manner in which the hazardous waste will be treated, stored or disposed of in the receiving country (e.g. land or ocean incineration, other land disposal, ocean dumping, recycling).

(vii) The name and site address of the consignee and any alternate consignee.

(viii) The name of any transit countries through which the hazardous waste will be sent and a description of the approximate length of time the hazardous waste will remain in such country and the nature of its handling there.

(b) Notification shall be sent to the Office of Waste Programs Enforcement, RCRA Enforcement Division (OS-520), Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460 with "Attention: Notification to Export" prominently displayed on the front of the envelope.

References
40 CFR 262.54

Special Manifest Requirements

(g) In lieu of the requirements of 40 CFR 262.20(d), where a shipment cannot be delivered for any reason to the designated or alternate consignee, the primary exporter must:

(1) Renotify EPA of a change in the conditions of the original notification to allow shipment to a new consignee in accordance with 40 CFR 262.53(c) and obtain an EPA Acknowledgment of Consent prior to delivery, or

(2) Instruct the transporter to return the waste to the primary exporter in the United States or designate another facility within the United States, and

(3) Instruct the transporter to revise the manifest in accordance with the primary exporter's instructions.

Table 6
Resource Conservation and Recovery Act

Part 5. Standards Applicable to Generators of Hazardous Waste (con't.)

References
40 CFR 262.55

Exception Reports

In lieu of the requirements of 40 CFR 262.42, a primary exporter must file an exception report with the Administrator if:

(a) He has not received a copy of the manifest signed by the transporter stating the date and place of departure from the United States within forty-five (45) days from the date it was accepted by the initial transporter.

(b) Within ninety (90) days from the date the waste was accepted by the initial transporter, the primary exporter has not received written confirmation from the consignee that the hazardous waste was received.

(c) The waste is returned to the United States.

References
40 CFR 262.56

Annual Reports

(a) Primary exporters of hazardous waste shall file with the Administrator no later than March 1 of each year, a report summarizing the types, quantities, frequency, and ultimate destination of all hazardous waste exported during the previous calendar year. Such reports shall include the following:

(1) The EPA identification number, name, and mailing and site address of the exporter.

(2) The calendar year covered by the report.

(3) The name and site address of each consignee.

(4) By consignee, for each hazardous waste exported, a description of the hazardous waste, the EPA hazardous waste number (from 40 CFR Part 261, Subpart C or D), DOT hazard class, the name and US EPA ID number (where applicable) for each transporter used, and the total number of shipments pursuant to each notification.

(5) Except for hazardous waste produced by exporters of greater than 100 kg but less than 1000 kg in a calendar month, unless provided pursuant to 40 CFR 262.41 (as described above), in even numbered years:

Part 5. Standards Applicable to Generators of Hazardous Waste (con't.)

References
40 CFR 262.56 (con't.)

(i) A description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated, and

(ii) A description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available for years prior to 1984.

(6) A certification signed by the primary exporter which states:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment.

(b) Reports shall be sent to the following address: Office of Waste Programs Enforcement, RCRA Enforcement Division (OS-520), Environmental Protection Agency, 401 M Street S.W., Washington, DC 20460.

Table 6
Resource Conservation and Recovery Act

Part 6. Standards Applicable to Transporters of Hazardous Waste

Authorizations
RCRA Section 3003

References
40 CFR 263.30

Immediate Action

(a) In the event of a discharge of hazardous waste during transportation, the transporter must take appropriate immediate action to protect human health and the environment (e.g., notify local authorities, dike the discharge area).

(b) If a discharge of hazardous waste occurs during transportation and an official (State or local government or a Federal Agency) acting within the scope of his official responsibilities determines that immediate removal of the waste is necessary to protect human health or the environment, that official may authorize the removal of the waste by transporters who do not have EPA identification numbers and without the preparation of a manifest.

(c) An air, rail, highway, or water transporter who has discharged hazardous waste must:

(1) Give notice, if required by 49 CFR 171.15, to the NRC (800-424-8802 or 202-426-2675).

(2) Report in writing as required by 49 CFR 171.16 to the Director, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590.

(d) A water (bulk shipment) transporter who has discharged hazardous waste must give the same notice as required by 33 CFR 153.203 for oil and hazardous substances.

☞ 33 CFR 153.203
Any person in charge of a vessel or of an onshore or offshore facility shall, as soon as they have knowledge of any discharge of oil or a hazardous substance from such vessel or facility in violation of Section 311(b)(3) (see below) of the Act, immediately notify the NRC, U.S. Coast Guard, 2100 Second Street, S.W., Washington, DC 20593, toll free telephone number 800-424-8802 (in Washington, DC metropolitan area, 202-426-2675). If direct reporting to the NRC is not practicable, reports may be made to the Coast Guard or EPA predesignated OSC for the geographic area where the discharge occurs. All such reports shall be promptly relayed to the NRC. If it is not possible to notify the NRC or the predesignated OSC immediately, reports may be made immediately to the nearest Coast Guard unit, provided that the person in charge of the vessel or onshore or offshore facility notifies the NRC as soon as possible.

Table 6
Resource Conservation and Recovery Act

Part 7. Standards for Owners/Operators of Permitted Hazardous Waste Treatment, Storage & Disposal (TSD) Facilities

Authorizations
RCRA Section 3004

References
40 CFR 264.12

General Facility Standards - Required Notices

(a) The owner or operator of a facility that has arranged to receive hazardous waste from a foreign source must notify the Regional Administrator in writing at least four weeks in advance of the date the waste is expected to arrive at the facility. Notice of subsequent shipments of the same waste from the same foreign source is not required.

(b) The owner or operator of a facility that receives hazardous waste from an off-site source (except where the owner or operator is also the generator) must inform the generator in writing that he has the appropriate permit(s) for, and will accept, the waste the generator is shipping. The owner or operator must keep a copy of this written notice as part of the operating record.

(c) Before transferring ownership or operation of a facility during its operating life, or of a disposal facility during the post-closure care period, the owner or operator must notify the new owner or operator in writing of the requirements of this part and 40 CFR Part 270. [Comment: An owner's or operator's failure to notify the new owner or operator of the requirements of this part in no way relieves the new owner or operator of his obligation to comply with all applicable requirements.]

References
40 CFR 264.56

Contingency Plan and Emergency Procedures - Emergency Procedures

(a) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or his designee when the emergency coordinator is on call) must immediately:

(1) Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel, and

(2) Notify appropriate State or local agencies with designated response roles if their help is needed.

(d) If the emergency coordinator determines that the facility has had a release, fire, or explosion which could threaten human health, or the environment, outside the facility, he must report the findings as follows:

(1) If his assessment indicates that evacuation of local areas may be advisable, he must immediately notify the appropriate local authorities. He must be available to help appropriate officials decide whether local areas should be evacuated.

References
40 CFR 264.56 (con't.)

(2) He must immediately notify either the government official designated as the on-scene coordinator for that geographical area (in the applicable regional contingency plan under {40 CFR} Part 1510) or the NRC (using their 24-hour toll free number 800/424-8802). The report must include:

(i) Name and telephone number of reporter.

(ii) Name and address of facility.

(iii) Time and type of incident (e.g., release, fire).

(iv) Name and quantity of material(s) involved, to the extent known.

(v) The extent of injuries, if any.

(vi) The possible hazards to human health, or the environment, outside the facility.

(h) The emergency coordinator must ensure that, in the affected area(s) of the facility:

(1) No waste that may be incompatible with the released material is treated, stored, or disposed of until cleanup procedures are completed, and

(2) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.

(i) The owner or operator must notify the Regional Administrator, and appropriate State and local authorities, that the facility is in compliance with paragraph (h) of this section before operations are resumed in the affected area(s) of the facility.

(j) The owner or operator must note in the operating record the time, date, and details of any incident that requires implementing the contingency plan. Within 15 days after the incident, he must submit a written report on the incident to the Regional Administrator. The report must include:

(1) Name, address, and telephone number of the owner or operator.

References
40 CFR 264.56 (con't.)

(2) Name, address, and telephone number of the facility.

(3) Date, time, and type of incident (e.g., fire, explosion).

(4) Name and quantity of material(s) involved.

(5) The extent of injuries, if any.

(6) An assessment of actual or potential hazards to human health or the environment, where this is applicable.

(7) Estimated quantity and disposition of recovered material that resulted from the accident.

References
40 CFR 264.72

Manifest System, Recordkeeping, and Reporting - Applicability

The regulations in this subpart apply to owners and operators of both on-site and off-site facilities, except as 40 CFR 264.1 provides otherwise. Sections 264.71, 264.72, and 264.76 do not apply to owners and operators of on-site facilities that do not receive any hazardous waste from off-site sources. Section 264.73(b) only applies to permittees who treat, store, or dispose of hazardous wastes on-site where such wastes were generated.

Manifest System, Recordkeeping, and Reporting - Manifest Discrepancies

(a) Manifest discrepancies are differences between the quantity or type of hazardous waste designated on the manifest or shipping paper, and the quantity or type of hazardous waste a facility actually receives. Significant discrepancies in quantify are:

(1) For bulk waste, variations greater than 10 percent in weight, and

(2) For batch waste, any variation in piece count, such as a discrepancy of one drum in a truckload. Significant discrepancies in type are obvious differences which can be discovered by inspection or waste analysis, such as waste solvent substituted for waste acid, or toxic constituents not reported on the manifest or shipping paper.

Table 6
Resource Conservation and Recovery Act

Part 7. Standards for Owners/Operators of Permitted Hazardous Waste Treatment, Storage & Disposal Facilities (con't.)

References
40 CFR 264.72 (con't.)

(b) Upon discovering a significant discrepancy, the owner or operator must attempt to reconcile the discrepancy with the waste generator or transporter (e.g., with telephone conversations). If the discrepancy is not resolved within 15 days after receiving the waste, the owner or operator must immediately submit to the Regional Administrator a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.

References
40 CFR 264.75

Manifest System, Recordkeeping, and Reporting - Biennial Report

The owner or operator must prepare and submit a single copy of a biennial report to the Regional Administrator by March 1 of each even numbered year. The biennial report must be submitted on EPA form 8700-13B. The report must cover facility activities during the previous calendar year and must include:

(a) The EPA identification number, name, and address of the facility.

(b) The calendar year covered by the report.

(c) For off-site facilities, the EPA identification number of each hazardous waste generator from which the facility received a hazardous waste during the year; for imported shipments, the report must give the name and address of the foreign generator.

(d) A description and the quantity of each hazardous waste the facility received during the year. For off-site facilities, this information must be listed by EPA identification number of each generator.

(e) The method of treatment, storage, or disposal for each hazardous waste.

(g) The most recent closure cost estimate under 40 CFR 264.142, and, for disposal facilities, the most recent post-closure cost estimate under 40 CFR 264.144.

(h) For generators who treat, store, or dispose of hazardous waste on-site, a description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated.

References
40 CFR 264.75 (con't.)

(i) For generators who treat, store, or dispose of hazardous waste on-site, a description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available for the years prior to 1984.

(j) The certification signed by the owner or operator of the facility or his authorized representative.

References
40 CFR 264.76

Manifest System, Recordkeeping, and Reporting - Unmanifested Waste Report

If a facility accepts for treatment, storage, or disposal any hazardous waste from an off-site source without an accompanying manifest, or without an accompanying shipping paper as described in 40 CFR 263.20(e)(2) of this chapter, and if the waste is not excluded from the manifest requirement by 40 CFR 261.5 of this chapter, then the owner or operator must prepare and submit a single copy of a report to the Regional Administrator within fifteen days after receiving the waste. The unmanifested waste report must be submitted on EPA form 8700-1 3B. Such report must be designated "Unmanifested Waste Report" and include the following information:

(a) The EPA identification number, name, and address of the facility.

(b) The date the facility received the waste.

(c) The EPA identification number, name, and address of the generator and the transporter, if available.

(d) A description and the quantity of each unmanifested hazardous waste and facility received.

(e) The method of treatment, storage, or disposal for each hazardous waste.

(f) The certification signed by the owner or operator of the facility or his authorized representative.

(g) A brief explanation of why the waste was unmanifested, if known.

[Comment: Small quantities of hazardous waste are excluded from regulation under this part and do not require a manifest. Where a facility receives unmanifested hazardous wastes, the Agency suggests that the owner or operator obtain

References
40 CFR 264.76 (con't.)

from each generator a certification that the waste qualifies for exclusion. Otherwise, the Agency suggests that the owner or operator file an unmanifested waste report for the hazardous waste movement.]

References
40 CFR 264.77

Manifest System, Recordkeeping, and Reporting - Additional Reports

In addition to submitting the biennial reports and unmanifested waste reports described in 40 CFR 264.75 and 264.76, the owner or operator must also report {the following} to the Regional Administrator:

(a) Releases, fires, and explosions as specified in 40 CFR 264.56(j).

(b) Facility closures specified in 40 CFR 264.115.

(c) As otherwise required by 40 CFR 264.90 - 101 (monitoring and corrective action), 264.220 - 317 (TSDF unit specific requirements), and 264.1030 - 1066 (air emission standards for process vents and equipment leaks.)

References
40 CFR 264.98

Releases From Solid Waste Management Units - Detection Monitoring Program

An owner or operator required to establish a detection monitoring program under this subpart must, at a minimum, discharge the following responsibilities:

(g) If the owner or operator determines pursuant to [264.98(f)] that there is statistically significant evidence of contamination for chemical parameters or hazardous constituents specified pursuant to paragraph (a) of 40 CFR 264.98 at any monitoring well at the compliance point, he or she must:

(1) Notify the Regional Administrator of this finding in writing within seven days. The notification must indicate what chemical parameters or hazardous constituents have shown statistically significant evidence of contamination.

(2) Immediately sample the ground water in all monitoring wells and determine whether constituents in the list of Appendix IX of Part 264 are present, and if so, in what concentration.

(3) For any Appendix IX compounds found in the analysis pursuant to paragraph (g)(2) of this section, the owner or operator may resample within one month and repeat the analysis for those compounds detected. If the results of the

References
40 CFR 264.98 (con't.)

second analysis confirm the initial results, then these constituents will form the basis for compliance monitoring. If the owner or operator does not resample for the compounds found pursuant to paragraph (g)(2) of this section, the hazardous constituents found during this initial Appendix IX analysis will form the basis for compliance monitoring.

(4) Within 90 days, submit to the Regional Administrator an application for a permit modification to establish a compliance monitoring program meeting the requirements of 40 CFR 264.99. The application must include the following information:

(i) An identification of the concentration of any Appendix IX constituent detected in the ground water at each monitoring well at the compliance point.

(ii) Any proposed changes to the ground-water monitoring system at the facility necessary to meet the requirements of 40 CFR 264.99.

(iii) Any proposed additions or changes to the monitoring frequency, sampling, and analysis procedures or methods, or statistical methods used at the facility necessary to meet the requirements of 40 CFR 264.99.

(iv) For each hazardous constituent detected at the compliance point, a proposed concentration limit under 40 CFR 264.94(a)(1) or (2), or a notice of intent to seek an alternative concentration limit under 40 CFR 264.94(b).

(5) Within 180 days, submit to the Regional Administrator:

(i) All data necessary to justify an alternative concentration limit sought under 40 CFR 264.94(b), and

(ii) An engineering feasibility plan for a corrective action program necessary to meet the requirement of 40 CFR 264.100, unless:

(A) All hazardous constituents identified under paragraph (g)(2) of this section are listed in Table 1 of 40 CFR 264.94 and their concentrations do not exceed the respective values given in that Table, or

References
40 CFR 264.98 (con't.)

(B) The owner or operator has sought an alternative concentration limit under 40 CFR 264.94(b) for every hazardous constituent identified under paragraph (g)(2) of this section.

(6) If the owner or operator determines, pursuant to paragraph (f) of this section, that there is a statistically significant difference for chemical parameters or hazardous constituents specified pursuant to paragraph (a) of 40 CFR 264.98 at any monitoring well at the compliance point, he or she may demonstrate that a source other than a regulated unit caused the contamination or that the detection is an artifact caused by an error in sampling, analysis, or statistical evaluation or natural variation in the ground water. The owner or operator may make a demonstration under this paragraph in addition to, or in lieu of, submitting a permit modification application under paragraph (g)(4) of this section; however, the owner or operator is not relieved of the requirement to submit a permit modification application within the time specified in paragraph (g)(4) of this section unless the demonstration made under this paragraph successfully shows that a source other than a regulated unit caused the increase, or that the increase resulted from error in sampling, analysis, or evaluation. In making a demonstration under this paragraph, the owner or operator must:

(i) Notify the Regional Administrator in writing within seven days of determining statistically significant evidence of contamination at the compliance point that he intends to make a demonstration under this paragraph.

(ii) Within 90 days, submit a report to the Regional Administrator which demonstrates that a source other than a regulated unit caused the contamination or that the contamination resulted from error in sampling, analysis, or evaluation.

References
40 CFR 264.99

Releases from Solid Waste Management Units - Compliance Monitoring Program

An owner or operator required to establish a compliance monitoring program under 40 CFR Part 264 must, at a minimum, discharge the following responsibilities:

(g) The owner or operator must analyze samples from all monitoring wells at the compliance point for all constituents contained in Appendix IX of 40 CFR Part 264 at least annually to determine whether additional hazardous constituents are present in the uppermost aquifer and, if so, at what concentration, pursuant to procedures in 40 CFR 264.98(f). If the owner or operator finds Appendix IX constituents in the ground water that are not already identified in the permit as

References
40 CFR 264.99 (con't.)

monitoring constituents, the owner or operator may resample within one month and repeat the Appendix IX analysis. If the second analysis confirms the presence of new constituents, the owner or operator must report the concentration of these additional constituents to the Regional Administrator within seven days after the completion of the second analysis and add them to the monitoring list. If the owner or operator chooses not to resample, then he or she must report the concentrations of these additional constituents to the Regional Administrator within seven days after completion of the initial analysis and add them to the monitoring list.

(h) If the owner or operator determines pursuant to paragraph (d) of {40 CFR 264.99} that any concentration limits under 40 CFR 264.94 are being exceeded at any monitoring well at the point of compliance he or she must:

(1) Notify the Regional Administrator of this finding in writing within seven days. The notification must indicate what concentration limits have been exceeded.

(2) Submit to the Regional Administrator an application for a permit modification to establish a corrective action program meeting the requirements of 40 CFR 264.100 within 180 days or within 90 days if an engineering feasibility study has been previously submitted to the Regional Administrator under 40 CFR 264.98(h)(5). The application must at a minimum include the following information:

(i) A detailed description of corrective actions that will achieve compliance with the groundwater protection standard specified in the permit under paragraph (a) of {40 CFR 264.99}.

(ii) A plan for a groundwater monitoring program that will demonstrate the effectiveness of the corrective action. Such a groundwater monitoring program may be based on a compliance monitoring program developed to meet the requirements of this section.

(i) If the owner or operator determines, pursuant to paragraph (d) of {40 CFR 264.99}, that the groundwater concentration limits under this section are being exceeded at any monitoring well at the point of compliance, he or she may demonstrate that a source other than a regulated unit caused the contamination or that the detection is an artifact caused by an error in sampling analysis, or statistical evaluation, or natural variation in the groundwater. In making a demonstration under this paragraph, the owner or operator must:

References
40 CFR 264.99 (con't.)

(1) Notify the Regional Administrator in writing within seven days that he intends to make a demonstration under this paragraph.

(2) Within 90 days, submit a report to the Regional Administrator which demonstrates that a source other than a regulated unit caused the standard to be exceeded or that the apparent noncompliance with the standards resulted from error in sampling, analysis, or evaluation.

(3) Within 90 days, submit to the Regional Administrator an application for a permit modification to make any appropriate changes to the compliance monitoring program at the facility.

(4) Continue to monitor in accord with the compliance monitoring program established under this section.

(j) If the owner or operator determines that the compliance monitoring program no longer satisfies the requirement of this section, he must, within 90 days, submit an application for a permit modification to make any appropriate changes to the program.

References
40 CFR 264.100

Releases from Solid Waste Management Units - Corrective Action Program

An owner or operator required to establish a corrective action program under this Subpart must, at a minimum, discharge the following responsibilities:

(g) The owner or operator must report in writing to the Regional Administrator on the effectiveness of the corrective action program. The owner or operator must submit these reports semi-annually.

(h) If the owner or operator determines that the corrective action program no longer satisfies the requirements of this section, he must, within 90 days, submit an application for a permit modification to make any appropriate changes to the program.

References
40 CFR 264.112

Closure and Post-Closure - Closure Plan: Amendment of Plan

(c) Amendment of plan. The owner or operator must submit a written notification of or request for a permit modification to authorize a change in operating plans, facility design, or the approved closure plan in accordance with the applicable

References
40 CFR 264.112 (con't.)

procedures in 40 CFR Parts 124 and 270. The written notification or request must include a copy of the amended closure plan for review or approval by the Regional Administrator.

(1) The owner or operator may submit a written notification or request to the Regional Administrator for a permit modification to amend the closure plan at any time prior to the notification of partial or final closure of the facility.

(2) The owner or operator must submit a written notification of or request for a permit modification to authorize a change in the approved closure plan whenever:

(i) Changes in operating plans or facility design affect the closure plan, or

(ii) There is a change in the expected year of closure, if applicable, or

(iii) In conducting partial or final closure activities, unexpected events require a modification of the approved closure plan.

(3) The owner or operator must submit a written request for a permit modification including a copy of the amended closure plan for approval at least 60 days prior to the proposed change in facility design or operation, or no later than 60 days after an unexpected event has occurred which has affected the closure plan. If an unexpected event occurs during the partial or final closure period, the owner or operator must request a permit modification no later than 30 days after the unexpected event. An owner or operator of a surface impoundment or waste pile that intends to remove all hazardous waste at closure and is not otherwise required to prepare a contingent closure plan under 40 CFR 264.228(c)(1)(i) or 40 CFR 264.258(c)(1)(i), must submit an amended closure plan to the Regional Administrator no later than 60 days from the date that the owner or operator or Regional Administrator determines that the hazardous waste management unit must be closed as a landfill, subject to the requirements of 40 CFR 264.310, or no later than 30 days from that date if the determination is made during partial or final closure. The Regional Administrator will approve, disapprove, or modify this amended plan in accordance with the procedures in parts 124 and 270. In accordance with 40 CFR 270.32 of this chapter, the approved closure plan will become a condition of any RCRA permit issued.

(4) The Regional Administrator may request modifications to the plan under the conditions described in 40 CFR 264.112(c)(2). The owner or operator must submit the modified plan within 60 days of the Regional Administrator's

References
40 CFR 264.112 (con't.)

request, or within 30 days if the change in facility conditions occurs during partial or final closure. Any modifications requested by the Regional Administrator will be approved in accordance with the procedures in parts 124 and 270.

(d) Notification of Partial Closure and Final Closure.

(1) The owner or operator must notify the Regional Administrator in writing at least 60 days prior to the date on which he expects to begin closure of a surface impoundment, waste pile, land treatment or landfill unit, or final closure of a facility with such a unit. The owner or operator must notify the Regional Administrator in writing at least 45 days prior to the date on which he expects to begin final closure of a facility with only treatment or storage tanks, container storage, or incinerator units to be closed. The owner or operator must notify the Regional Administrator in writing at least 45 days prior to the date on which he expects to begin partial or final closure of a boiler or industrial furnace, whichever is earlier.

(2) The date when he "expects to begin closure" must be either:

(i) No later than 30 days after the date on which any hazardous waste management unit receives the known final volume of hazardous wastes, or if there is a reasonable possibility that the hazardous waste management unit will receive additional hazardous wastes, no later than one year after the date on which the unit received the most recent volume of hazardous wastes. If the owner or operator of a hazardous waste management unit can demonstrate to the Regional Administrator that the hazardous waste management unit or facility has the capacity to receive additional hazardous wastes and he has taken all steps to prevent threats to human health and the environment, including compliance with all applicable permit requirements, the Regional Administrator may approve an extension to this one-year limit; or

(ii) For units meeting the requirements of 40 CFR 264.113(d), no later than 30 days after the date on which the hazardous waste management unit receives the known final volume of non-hazardous wastes, or if there is a reasonable possibility that the hazardous waste management unit will receive additional non-hazardous wastes, no later than one year after the date on which the unit received the most recent volume of non-hazardous wastes. If the owner or operator can demonstrate to the Regional Administrator that the hazardous waste management unit has the capacity to receive additional non-hazardous wastes and he has taken, and will continue to take, all steps to prevent threats to human health and the environment, including

References
40 CFR 264.112 (con't.)

compliance with all applicable permit requirements, the Regional Administrator may approve an extension to this one-year limit.

(3) If the facility's permit is terminated, or if the facility is otherwise ordered, by judicial decree or final order under Section 3008 of RCRA, to cease receiving hazardous wastes or to close, then the requirements of this paragraph do not apply. However, the owner or operator must close the facility in accordance with the deadlines established in 40 CFR 264.113.

(e) Removal of wastes and decontamination or dismantling of equipment. Nothing in this section shall preclude the owner or operator from removing hazardous wastes and decontaminating or dismantling equipment in accordance with the approved partial or final closure plan at any time before or after notification of partial or final closure.

References
40 CFR 264.113

Closure and Post-Closure - Closure: Time Allowed for Closure

(5) During the period of corrective action of a surface impoundment, the owner or operator shall provide semi-annual reports to the Regional Administrator that describe the progress of the corrective action program, compile all ground-water monitoring data, and evaluate the effect of the continued receipt of non-hazardous wastes on the effectiveness of the corrective action.

References
40 CFR 264.118

Closure and Post-Closure - Post Closure Plan: Amendment of Plan

(d) The owner or operator must submit a written notification of or request for a permit modification to authorize a change in the approved post-closure plan in accordance with the applicable requirements in 40 CFR Parts 124 and 270. The written notification or request must include a copy of the amended post-closure plan for review or approval by the Regional Administrator.

(1) The owner or operator may submit a written notification or request to the Regional Administrator for a permit modification to amend the post-closure plan at any time during the active life of the facility or during the post-closure care period.

(2) The owner or operator must submit a written notification of or request for a permit modification to authorize a change in the approved post-closure plan whenever:

References
40 CFR 264.118 (con't.)

(i) Changes in operating plans or facility design affect the approved post-closure plan, or

(ii) There is a change in the expected year of final closure, if applicable, or

(iii) Events which occur during the active life of the facility, including partial and final closures, affect the approved post-closure plan.

(3) The owner or operator must submit a written request for a permit modification at least 60 days prior to the proposed change in facility design or operation, or no later than 60 days after an unexpected event has occurred which has affected the post-closure plan. An owner or operator of a surface Impoundment or waste pile that intends to remove all hazardous waste at closure and is not otherwise required to submit a contingent post-closure plan under 40 CFR 264.228(c)(1)(ii) and 264.258(c)(1)(ii) must submit a post-closure plan to the Regional Administrator no later than 90 days after the date that the owner or operator or Regional Administrator determines that the hazardous waste management unit must be closed as a landfill, subject to the requirements of 40 CFR 264.310. The Regional Administrator will approve, disapprove or modify this plan in accordance with the procedures in 40 CFR Parts 124 and 270. In accordance with 40 CFR 270.32, the approved post-closure plan will become a permit condition.

(4) The Regional Administrator may request modifications to the plan under the conditions described in 40 CFR 264.118(d)(2). The owner or operator must submit the modified plan no later than 60 days after the Regional Administrator's request, or no later than 90 days if the unit is a surface impoundment or waste pile not previously required to prepare a contingent post-closure plan. Any modifications requested by the Regional Administrator will be approved, disapproved, or modified in accordance with the procedures in 40 CFR Parts 124 and 270.

References
40 CFR 264.119

Closure and Post-Closure - Post-Closure Notices

(a) No later than 60 days after certification of closure of each hazardous waste disposal unit, the owner or operator must submit to the local zoning authority, or the authority with jurisdiction over local land use, and to the Regional Administrator a record of the type, location, and quantity of hazardous wastes disposed of within each cell or other disposal unit of the facility. For hazardous wastes disposed of before January 12, 1981, the owner or operator must identify the type, location, and quantity of the hazardous wastes to the best of his knowledge and in accordance with any records he has kept.

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References
40 CFR 264.119 (con't.)

(b) Within 60 days of certification of closure of the first hazardous waste disposal unit and within 60 days of certification of closure of the last hazardous waste disposal unit, the owner or operator must:

(1) Record, in accordance with State law, a notation on the deed to the facility property or on some other instrument which is normally examined during title search that will in perpetuity notify any potential purchaser of the property that:

(i) The land has been used to manage hazardous wastes; and

(ii) Its use is restricted under 40 CFR Subpart G regulations; and

(iii) The survey plat and record of the type, location, and quantity of hazardous wastes disposed of within each cell or other hazardous waste disposal unit of the facility required by 40 CFR 264.116 and 264.119(a) have been filed with the local zoning authority or the authority with jurisdiction over local land use and with the Regional Administrator; and

(2) Submit a certification, signed by the owner or operator, that he has recorded the notation specified in paragraph (b)(l) of this section, including a copy of the document in which the notation has been placed, to the Regional Administrator.

(c) If the owner or operator or any subsequent owner or operator of the land upon which a hazardous waste disposed unit is located wishes to remove hazardous wastes and hazardous waste residues, the liner, if any, or contaminated soils, he must request a modification to the post-closure permit in accordance with the applicable requirements 40 CFR Parts 124 and 270. The owner or operator must demonstrate that the removal of hazardous wastes will satisfy the criteria of 40 CFR 264.117(c). By removing hazardous waste, the owner or operator may become generator of hazardous waste and must manage it in accordance with all applicable requirements of this chapter. If he is granted a permit modification or otherwise granted approval to conduct such removal activities, the owner or operator may request that the Regional Administrator approve either:

(1) The removal of the notation on the deed to the facility property or other instrument normally examined during title search; or

References
40 CFR 264.119 (con't.)

(2) The addition of a notation to the deed or instrument indicating the removal of the hazardous waste.

References
40 CFR 264.193

Tank Systems - Containment and Detection of Releases

(h) The following procedures must be followed in order to request a variance from secondary containment:

(1) The Regional Administrator must be notified in writing by the owner or operator that he intends to conduct and submit a demonstration for a variance from secondary containment as allowed in paragraph (g) of 40 CFR 264.119 according to the following schedule:

(i) For existing tank systems, at least 24 months prior to the date that secondary containment must be provided in accordance with paragraph (a) of 40 CFR 264.119.

(ii) For new tank systems, at least 30 days prior to entering into a contract for installation.

(2) As part of the notification, the owner or operator must also submit to the Regional Administrator a description of the steps necessary to conduct the demonstration and a timetable for completing each of the steps. The demonstration must address each of the factors listed in paragraph (g)(1) or paragraph (g)(2) of 40 CFR 264.119.

(3) The demonstration for a variance must be completed within 180 days after notifying the Regional Administrator of an intent to conduct the demonstration.

References
40 CFR 264.196

Tank Systems - Response to Leaks or Spills and Disposition of Leaking or Unfit-For-Use Tank Systems

A tank system or secondary containment system from which there has been a leak or spill, or which is unfit for use, must be removed from service immediately, and the owner or operator must satisfy the following requirements:

(d) (1) Any release to the environment, except as provided in paragraph (d)(2) of this section, must be reported to the Regional Administrator within 24 hours of its detection. If the release has been reported pursuant to 40 CFR Part 302, that report will satisfy this requirement.

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References
40 CFR 264.196 (con't.)

(2) A leak or spill of hazardous waste is exempted from the requirements of this paragraph if it is:

(i) Less than or equal to a quantity of one (1) pound; and

(ii) Immediately contained and cleaned up.

(3) Within 30 days of detection of a release to the environment, a report containing the following information must be submitted to the Regional Administrator:

(i) Likely route of migration of the release.

(ii) Characteristics of the surrounding soil (soil composition, geology, hydrogeology, climate).

(iii) Results of any monitoring or sampling conducted in connection with the release (if available). If sampling or monitoring data relating to the release are not available within 30 days, these data must be submitted to the Regional Administrator as soon as they become available.

(iv) Proximity to down gradient drinking water, surface water, and populated areas.

(v) Description of response actions taken or planned.

References
40 CFR 264.223

Surface Impoundments - Response Actions

If the flow rate into the leak detection system exceeds the action leakage rate for any sump, the owner or operator must:

(1) Notify the Regional Administrator in writing of the exceedance within 7 days of the determination.

(2) Submit a preliminary written assessment to the Regional Administrator within 14 days of the determination, as to the amount of liquids, likely sources of liquids, possible location, size, and cause of any leaks, and short-term actions taken and planned.

(3) Determine to the extent practicable the location, size, and cause of any leak.

References
40 CFR 264.223 (con't.)

(4) Determine whether waste receipt should cease or be curtailed; whether any waste should be removed from the unit for inspection, repairs, or controls; and whether or not the unit should be closed.

(5) Determine any other short-term and longer-term actions to be taken to mitigate or stop any leaks.

(6) Within 30 days after the notification that the leakage rate has been exceeded, submit to the Regional Administrator the results of the analyses specified in paragraphs (b)(3), (4), and (5) of this section, the results of actions taken, and actions planned. Monthly thereafter, as long as the flow rate in the leak detection system exceeds the action leakage rate, the owner or operator must submit to the Regional Administrator a report summarizing the results of any remedial actions taken and actions planned.

References
40 CFR 264.227

Surface Impoundments - Emergency Repairs; Contingency Plans

(a) A surface impoundment must be removed from service when:

(1) The level of liquids in the impoundment suddenly drops and the drop is not known to be caused by changes in the flows into or out of the impoundment.

(2) The dike leaks.

(b) When a surface impoundment must be removed from service as required by paragraph (a) of this section, the owner or operator must:

(6) Notify the Regional Administrator of the problem in writing within seven days after detecting the problem.

References
40 CFR 264.253

Waste Piles - Response Actions

(a) The owner or operator of waste pile units subject to 40 CFR 264.251(c) or (d) must have an approved response action plan before receipt of waste. The response action plan must set forth the actions to be taken if the action leakage rate has been exceeded. At a minimum, the response action plan must describe the actions specifically in paragraph (b) of this section.

References
40 CFR 264.253 (con't.)

(b) If the flow rate into the leak detection system exceeds the action leakage rate for any sump, the owner or operator must:

(1) Notify the Regional Administrator in writing of the exceedance within 7 days of the determination.

(2) Submit a preliminary written assessment to the Regional Administrator within 14 days of the determination, as to the amount of liquids; likely sources of liquids; possible location, size, and cause of any leaks; and short term actions taken and planned.

(3) Determine to the extent practicable the location, size, and cause of any leak.

(4) Determine whether waste receipt should cease or be curtailed, whether any waste should be removed from the unit for inspection, repairs, or controls, and whether or not the unit should be closed.

(5) Determine any other short-term and long-term actions to be taken to mitigate or stop any leaks.

(6) Within 30 days after the notification that the action leakage rate has been exceeded, submit to the Regional Administrator the results of the analyses specified in paragraphs (b)(3), (4), and (5) of this section, the results of actions taken, and actions planned.

References
40 CFR 264.278

Land Treatment - Unsaturated Zone Monitoring

An owner or operator subject to this subpart must establish an unsaturated zone monitoring program to discharge the following responsibilities:

(g) If the owner or operator determines, pursuant to paragraph (f) of this section (see above), that there is a statistically significant increase of hazardous constituents below the treatment zone, he or she must:

(1) Notify the Regional Administrator of this finding in writing within seven days. The notification must indicate what constituents have shown statistically significant increases.

References
40 CFR 264.278 (con't.)

(2) Within 90 days, submit to the Regional Administrator an application for a permit modification to modify the operating practices at the facility in order to maximize the success of degradation, transformation, or immobilization processes in the treatment zone.

(h) If the owner or operator determines, pursuant to paragraph (f) of 40 CFR 264.278, that there is a statistically significant increase of hazardous constituents below the treatment zone, he or she may demonstrate that a source other than regulated units caused the increase or that the increase resulted from an error in sampling, analysis, or evaluation. While the owner or operator may make a demonstration under this paragraph in addition to, or in lieu of, submitting a permit modification application under paragraph (g)(2) of 40 CFR 264.278 (see above), he or she is not relieved of the requirement to submit a permit modification application within the time specified in paragraph (g)(2) of 40 CFR 264.278 unless the demonstration made under this paragraph successfully shows that a source other than regulated units caused the increase or that the increase resulted from an error in sampling, analysis, or evaluation. In making a demonstration under this paragraph, the owner or operator must:

(1) Notify the Regional Administrator in writing within seven days of determining a statistically significant increase below the treatment zone that he or she intends to make a determination under this paragraph.

(2) Within 90 days, submit a report to the Regional Administrator demonstrating that a source other than the regulated units caused the increase or that the increase resulted from error in sampling, analysis, or evaluation.

(3) Within 90 days, submit to the Regional Administrator an application for a permit modification to make any appropriate changes to the unsaturated zone monitoring program at the facility.

(4) Continue to monitor in accordance with the unsaturated zone monitoring program established under this section.

References
40 CFR 264.304

Landfills - Response Actions

(a) Owners or operators of landfill units subject to 40 CFR 264.301 (c) or (d) must have an approved response action plan before receipt of waste. The response action plan must set forth the actions to be taken if the action leakage rate has been exceeded. At a minimum, the response action plan must describe the actions specified in paragraph (b) of this section.

(b) If the flow rate into the leak detection system exceeds the action leakage rate for any sump, the owner or operator must:

References
40 CFR 264.304 (con't.)

(1) Notify the Regional Administrator in writing of the exceedance within 7 days of the determination.

(2) Submit a preliminary written assessment to the Regional Administrator within 14 days of the determination, as to the amount of liquids, likely sources of liquids, possible location, size, and cause of any leaks, and short-term actions taken and planned.

(3) Determine to the extent practicable the location, size, and cause of any leak.

(4) Determine whether waste receipt should cease or be curtailed; whether any waste should be removed from the unit for inspection, repairs, or controls; and whether or not the unit should be closed.

(5) Determine any other short-term and longer-term actions to be taken to mitigate or stop any leaks.

(6) Within 30 days after the notification that the action leakage rate has been exceeded, submit to the Regional Administrator the results of the analyses specified in paragraphs (b)(3), (4), and (5) of this section, the results of action taken, and actions planned. Monthly thereafter, as long as the flow rate in the leak detection system exceeds the action leakage rate, the owner or operator must submit to the Regional Administrator a report summarizing the results of any remedial actions taken and actions planned.

References
40 CFR 264.1036

Emission Standards for Process Vents - Reporting Requirements

(a) A semiannual report shall be submitted by owners and operators subject to the requirements of this subpart to the Regional Administrator by dates specified by the Regional Administrator. The report shall include the following information:

(1) The EPA identification number, name, and address of the facility.

(2) For each month during the semiannual reporting period, dates when the control device exceeded or operated outside of the design specifications as defined in 40 CFR 264.1035(c)(4) and as indicated by the control device monitoring required by 40 CFR 264.1033(c)(1) and such exceedances were not corrected within 24 hours, or that a flare operated with visible emissions as defined in 40 CFR 264.1033(d) and as determined by Method 22 monitoring, the duration and cause of each exceedance or visible emissions, and any corrective measures taken.

References
40 CFR 264.1036 (con't.)

(b) If, during the semiannual reporting period, the control device does not exceed or operate outside of the design specifications as defined in 40 CFR 264.1035(c)(4) for more than 24 hours or a flare does not operate with visible emissions as defined in 40 CFR 264.1033(d), a report to the Regional Administrator is not required.

References
40 CFR 264.1065

Air Emissions Standards for Equipment Leaks - Reporting Requirements

(a) A semiannual report shall be submitted by owners and operators subject to the requirements of this subpart to the Regional Administrator by dates specified by the Regional Administrator. The report shall include the following information:

(1) The EPA identification number, name, and address of the facility

(2) For each month during the semiannual reporting period:

(i) The equipment identification number of each valve for which a leak was not repaired as required in 40 CFR 264.1057(d).

(ii) The equipment identification number of each pump for which a leak was not repaired as required in 40 CFR 264.1052(c) and (d)(6).

(xvii) The equipment identification number of each compressor for which a leak was not repaired as required by 40 CFR 264.1053(g).

(3) Dates of hazardous waste management unit shutdowns that occurred within the semiannual reporting period.

(4) For each month during the semiannual reporting period, dates when the control device installed as required by 40 CFR 264.1052, 264.1053, 264.1054, or 264.1055 exceeded or operated outside of the design specifications as defined in 40 CFR 264.1064(e) and as indicated by the control device monitoring required by 40 CFR 264.1060 and was not corrected within 24 hours, the duration and cause of each exceedance, and any corrective measures taken.

(b) If, during the semiannual reporting period, leaks from valves, pumps, and compressors are repaired as required in 40 CFR 264.1057(d), 264.1052(c) and (d)(6), and 264.1053(g), respectively, and the control device does not exceed or operate

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References
40 CFR 264.1065 (con't.)

outside of the design specifications as defined in 40 CFR 264.1064(e) for more than 24 hours, a report to the Regional Administrator is not required.

References
40 CFR 264.1084(e)(3)(iv) and (f)(3)(iii) [40 CFR 264.200 requires hazardous wastes be managed in a tank in accordance with 40 CFR 264, Subpart CC, which includes 264.1084(e)(3)(iv) and (f)(3)(iii).]

Air Emission Standards for Hazardous Waste Tanks, Surface Impoundments, and Containers - Standards: Tanks

(e) The owner or operator who controls air pollutant emissions from a tank using a fixed roof with an internal floating roof shall meet the requirements specified in paragraphs (e)(1) through (e)(3) of this section.

(3) The owner or operator shall inspect the internal floating roof in accordance with the procedures specified as follows:

(iv) Prior to each inspection required by paragraph (e)(3)(ii) or (e)(3)(iii) of this section, the owner or operator shall notify the Regional Administrator in advance of each inspection to provide the Regional Administrator with the opportunity to have an observer present during the inspection. The owner or operator shall notify the Regional Administrator of the date and location of the inspection as follows:

(A) Prior to each visual inspection of an internal floating roof in a tank that has been emptied and degassed, written notification shall be prepared and sent by the owner or operator so that it is received by the Regional Administrator at least 30 calendar days before refilling the tank except when an inspection is not planned as provided for in paragraph (e)(3)(iv)(B) of this section.

(B) When a visual inspection is not planned and the owner or operator could not have known about the inspection 30 calendar days before refilling the tank, the owner or operator shall notify the Regional Administrator as soon as possible, but no later than 7 calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation for why the inspection is unplanned. Alternatively, written notification, including the explanation for the unplanned inspection, may be sent so that it is received by the Regional Administrator at least 7 calendar days before refilling the tank.

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References 40 CFR 264.1084(e)(3)(iv) and (f)(3)(iii) (con't.)	(f) The owner or operator who controls air pollutant emissions from a tank using an external floating roof shall meet the requirements specified in paragraphs (f)(1) through (f)(3) of this section. (3) The owner or operator shall inspect the external floating roof in accordance with the procedures specified as follows: (iii) Prior to each inspection required by paragraph (f)(3)(i) or (f)(3)(ii) of this subpart, the owner or operator shall notify the Regional Administrator in advance of each inspection to provide the Regional Administrator with the opportunity to have an observer present during the inspection. The owner or operator shall notify the Regional Administrator of the date and location of the inspection as follows: (A) Prior to each inspection to measure external floating roof seal gaps as required under paragraph (f)(3)(i) of this section, written notification shall be prepared and sent by the owner or operator so that it is received by the Regional Administrator at least 30 calendar days before the date the measurements are scheduled to be performed. (B) Prior to each visual inspection of an external floating roof in a tank that has been emptied and degassed, written notification shall be prepared and sent by the owner or operator so that it is received by the Regional Administrator at least 30 calendar days before refilling the tank except when an inspection is not planned as provided for in paragraph (f)(3)(iii)(C) of this section. (C) When a visual inspection is not planned and the owner or operator could not have known about the inspection 30 calendar days before refilling the tank, the owner or operator shall notify the Regional Administrator as soon as possible, but no later than 7 calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation for why the inspection is unplanned. Alternatively, written notification, including the explanation for the unplanned inspection, may be sent so that it is received by the Regional Administrator at least 7 calendar days before refilling the tank.

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Part 7. Standards for Owners/Operators of Permitted Hazardous Waste Treatment, Storage & Disposal Facilities (con't.)

References
40 CFR 264.1090

Air Emission Standards for Hazardous Waste Tanks, Surface Impoundments, and Containers - Reporting

(a) Each owner or operator managing hazardous waste in a tank, surface impoundment, or container exempted from using air emission controls under the provisions of Sec. 264.1082(c) of this subpart shall report to the Regional Administrator each occurrence when hazardous waste is placed in the waste management unit in noncompliance with the conditions specified in Sec. 264.1082 (c)(1) or (c)(2) of this subpart, as applicable. Examples of such occurrences include placing in the waste management unit a hazardous waste having an average VO concentration equal to or greater than 500 parts per million by weight (ppmw) at the point of waste origination; or placing in the waste management unit a treated hazardous waste of which the organic content has been reduced by an organic destruction or removal process that fails to achieve the applicable conditions specified in Sec. 264.1082 (c)(2)(i) through (c)(2)(vi) of this subpart. The owner or operator shall submit a written report within 15 calendar days of the time that the owner or operator becomes aware of the occurrence. The written report shall contain the EPA identification number, facility name and address, a description of the noncompliance event and the cause, the dates of the noncompliance, and the actions taken to correct the noncompliance and prevent recurrence of the noncompliance. The report shall be signed and dated by an authorized representative of the owner or operator.

(b) Each owner or operator using air emission controls on a tank in accordance with the requirements Sec. 264.1084(c) of this subpart shall report to the Regional Administrator each occurrence when hazardous waste is managed in the tank in noncompliance with the conditions specified in Sec. 264.1084(b) of this subpart. The owner or operator shall submit a written report within 15 calendar days of the time that the owner or operator becomes aware of the occurrence. The written report shall contain the EPA identification number, facility name and address, a description of the noncompliance event and the cause, the dates of the noncompliance, and the actions taken to correct the noncompliance and prevent recurrence of the noncompliance. The report shall be signed and dated by an authorized representative of the owner or operator.

(c) Each owner or operator using a control device in accordance with the requirements of Sec. 264.1087 of this subpart shall submit a semiannual written report to the Regional Administrator excepted as provided for in paragraph (d) of this section. he report shall describe each occurrence during the previous 6-month period when either: (1) A control device is operated continuously for 24 hours or longer in noncompliance with the applicable operating values defined in Sec. 264.1035(c)(4); or (2) A flare is operated with visible emissions for 5 minutes or longer in a two-hour period, as defined in Sec. 264.1033(d). The report shall describe each occurrence during the previous 6-month period when a control device is operated continuously for 24 hours or longer in noncompliance with the applicable operating values

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References 40 CFR 264.1090 (con't.)	defined in Sec. 264.1035(c)(4) or when a flare is operated with visible emissions as defined in Sec. 264.1033(d). The written report shall include the EPA identification number, facility name and address, and an explanation why the control device could not be returned to compliance within 24 hours, and actions taken to correct the noncompliance. The report shall be signed and dated by an authorized representative of the owner or operator. (d) A report to the Regional Administrator in accordance with the requirements of paragraph (c) of this section is not required for a 6-month period during which all control devices subject to this subpart are operated by the owner or operator such that: (1) During no period of 24 hours or longer did a control device operate continuously in noncompliance with the applicable operating values defined in Sec. 264.1035(c)(4); and (2) No flare was operated with visible emissions for 5 minutes or longer in a two-hour period, as defined in Sec. 264.1033(d).
References 40 CFR 264.1100	**Containment Buildings - Applicability** The requirements of this subpart apply to owners or operators who store or treat hazardous waste in [completely enclosed, self-supporting structures] designed and operated under 40 CFR 264.1101. These provisions will become effective on February 18, 1993, although the owner or operator may notify the Regional Administrator of his intent to be bound by this subpart at an earlier time.
References 40 CFR 264.1101	**Containment Buildings - Design and Operating Standards** (c) Owners or operators of all containment buildings must: (3) (i) Upon detection of a condition that has led to a release of hazardous waste (e. g., upon detection of leakage from the primary barrier) the owner or operator must: (D) Within 7 days after the discovery of the condition, notify the Regional Administrator of then condition, and within 14 working days, provide a written notice to the Regional

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References
40 CFR 264.1101 (con't.)

Administrator with a description of the steps taken to repair the containment building, and the schedule for accomplishing the work.

(ii) The Regional Administrator will review the information submitted, make a determination regarding whether the containment building must be removed from service completely or partially until repairs and cleanup are complete, and notify the owner or operator of the determination and the underlying rationale in writing.

(iii) Upon completing all repairs and cleanup the owner or operator must notify the Regional Administrator in writing and provide a verification, signed by a qualified, registered professional engineer, that the repairs and cleanup have been completed according to the written plan submitted in accordance with paragraph (c)(3)(i)(D) of this section.

Table 6
Resource Conservation and Recovery Act

Part 8. Standards for Owners/Operators of Interim Status Hazardous Waste (TSD) Facilities

Authorizations
RCRA Section 3004, 3005(e)

References
40 CFR 265.12

General Facility Standards - Required notices

(a) The owner or operator of a facility that has arranged to receive hazardous waste from a foreign source must notify the Regional Administrator in writing at least four weeks in advance of the date of the waste is expected to arrive at the facility. Notice of subsequent shipments of the same waste from the same foreign source is not required.

(b) Before transferring ownership or operation of a facility during its operating life, or of a disposal facility during the post-closure care period, the owner or operator must notify the new owner or operator in writing of the requirements of this part and 40 CFR Part 270. (Also see 40 CFR 270.72) [Comment: An owner's or operator's failure to notify the new owner or operator of the requirements of this part in no way relieves the new owner or operator of his obligation to comply with all applicable requirements.]

References
40 CFR 265.56

Contingency Plan and Emergency Procedures - Emergency Procedures

(a) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or his designee when the emergency coordinator is on call) must immediately:

(1) Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel, and

(2) Notify appropriate State or local agencies with designated response roles if their help is needed.

(d) If the emergency coordinator determines that the facility has had a release, fire, or explosion which could threaten human health or the environment outside the facility, he must report the findings as follows:

(1) If an assessment indicates that evacuation of local areas may be advisable, he must immediately notify appropriate local authorities. He must be available to help appropriate officials decide whether local areas should be evacuated.

(2) He must immediately notify either the government official designated as the on-scene coordinator for that geographical area (in the applicable regional contingency plan under 40 CFR Part 1510), or the NRC (using their 24-hour toll free number 800/424-8802). The report must include:

(i) Name and telephone number of reporter.

Part 8. Standards for Owners/Operators of Interim Status Hazardous Waste (TSD) Facilities (con't.)

References
40 CFR 265.56 (con't.)

(ii) Name and address of facility.

(iii) Time and type of incident (e.g., release, fire).

(iv) Name and quantity of material(s) involved, to the extent unknown.

(v) The extent of injuries, if any.

(vi) The possible hazards to human health, or the environment, outside the facility.

(i) The owner or operator must notify the Regional Administrator, and appropriate State and local authorities, that the facility is in compliance with the following two requirements found in 40 CFR 265.56(h) before operations are resumed in the affected area(s) of the facility.

(j) The owner or operator must note in the operating record the time, date, and details of any incident that requires implementing the contingency plan. Within 15 days after the incident, he must submit a written report on the incident to the Regional Administrator. The report must include:

(1) Name, address, and telephone number of the owner or operator.

(2) Name, address, and telephone number of the facility.

(3) Date, time, and type of incident (e.g., fire, explosion).

(4) Name and quantity of material(s) involved.

(5) The extent of injuries, if any.

(6) An assessment of actual or potential hazards to human health or the environment, where this is applicable.

(7) Estimated quantity and disposition of recovered material that resulted from the incident.

Table 6
Resource Conservation and Recovery Act

Part 8. Standards for Owners/Operators of Interim Status Hazardous Waste (TSD) Facilities (con't.)

References
40 CFR 265.72

Manifest System, Recordkeeping, and Reporting - Manifest Discrepancies

(a) Manifest discrepancies are differences between the quantity or type of hazardous waste designated on the manifest or shipping: paper, and the quantity or type of hazardous waste a facility actually receives. Significant discrepancies in quantity are:

(1) For bulk waste, variations greater than 10 percent in weight.

(2) For batch waste, any variation in piece count, such as a discrepancy of one drum in a truckload. Significant discrepancies in type are obvious differences which can be discovered by inspection or waste analysis, such as waste solvent substituted for waste acid, or toxic constituents not reported on the manifest or shipping paper.

(b) Upon discovering a significant discrepancy, the owner or operator must attempt to reconcile the discrepancy with the waste generator or transporter (e.g., with telephone conversations). If the discrepancy is not resolved within 15 days after receiving the waste, the owner or operator must immediately submit to the Regional Administrator a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.

References
40 CFR 265.75

Manifest System, Recordkeeping, and Reporting - Biennial Report

The owner or operator must prepare and submit a single copy of a biennial report to the Regional Administrator by March 1 of each even-numbered year. The biennial report must be submitted on EPA Form 8700-1-3B. The report must cover facility activities during the previous calendar year and must include the following information:

(a) The EPA identification number, name, and address of the facility.

(b) The calendar year covered by the report.

(c) For off-site facilities, the EPA identification number of each hazardous waste generator from which the facility received a hazardous waste during the year; for imported shipments, the report must give the name and address of the foreign generator.

Part 8. Standards for Owners/Operators of Interim Status Hazardous Waste (TSD) Facilities (con't.)

References
40 CFR 265.75 (con't.)

(d) A description and the quantity of each hazardous waste the facility received during the year. For off-site facilities, this information must be listed by EPA identification number of each generator.

(e) The method of treatment, storage, or disposal for each hazardous waste.

(f) Monitoring data under 40 CFR 265.94(a)(2)(ii) and (iii) and (b)(2), where required.

(g) The most recent closure cost estimate under 40 CFR 265.144.

(h) For generators who treat, store, or dispose of hazardous waste on-site, a description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated.

(i) For generators who treat, store, or dispose of hazardous waste on-site, a description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years, to the extent such information is available for the years prior to 1984.

(j) The certification signed by the owner or operator of the facility or his authorized representative.

References
40 CFR 265.76

Manifest System, Recordkeeping, and Reporting - Unmanifested Waste Report

If a facility accepts for treatment, storage, or disposal any hazardous waste from an off-site source without an accompanying manifest, or without an accompanying shipping paper as described in 40 CFR 263.20(e)(2), and if the waste is not excluded from the manifest requirement by 40 CFR 261.5 of this chapter, then the owner or operator must prepare and submit a single copy of a report to the Regional Administrator within fifteen days after receiving the waste. The unmanifested waste report must be submitted on EPA form 8700-13B. Such report must be designated "Unmanifested Waste Report" and include the following information:

(a) The EPA identification number, name, and address of the facility.

(b) The date the facility received the waste.

(c) The EPA identification number, name, and address of the generator and transporter, if available.

Table 6
Resource Conservation and Recovery Act

Part 8. Standards for Owners/Operators of Interim Status Hazardous Waste (TSD) Facilities (con't.)

References
40 CFR 265.76 (con't.)

(d) A description and the quantity of each unmanifested hazardous waste the facility received.

(e) The method of treatment, storage, or disposal for each hazardous waste.

(f) The certification signed by the owner or operator of the facility or his authorized representative.

(g) A brief explanation of why the waste was unmanifested, if known.

[Comment: Small quantities of hazardous waste are excluded from regulation under 40 CFR Part 265 and do not require a manifest. Where a facility receives unmanifested hazardous wastes, the EPA suggests that the owner or operator obtain from each generator a certification that the waste qualifies for exclusion. Otherwise, the EPA suggests that the owner or operator file an unmanifested waste report for the hazardous waste movement.]

References
40 CFR 265.77

Manifest System, Recordkeeping, and Reporting - Additional Reports

In addition to submitting the biennial report and unmanifested waste reports described in 40 CFR 265.75 and 265.76, the owner or operator must also report to the Regional Administrator:

(a) Releases, fires, and explosions as specified in 40 CFR 265.56(j).

(b) Groundwater contamination and monitoring data as specified in 40 CFR 265.93 and 265.94.

(c) Facility closure as specified in 40 CFR 265.115.

(d) Any policies or reports as otherwise required by 40 CFR 264.1030 - 1066 (Air Emission Standards for Process Vents and Equipment Leaks).

References
40 CFR 265.93

Ground Water Monitoring - Preparation, Evaluation, and Response

(a) Within one year after the effective date of these regulations, the owner or operator must prepare an outline of a groundwater quality assessment program. The outline must describe a more comprehensive groundwater monitoring program (than that described in 40 CFR 265.91 and 265.92) capable of determining:

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References
40 CFR 265.93 (con't.)

(1) Whether the hazardous waste or hazardous waste constituents have entered the groundwater.

(2) The rate and extent of migration of hazardous waste or hazardous waste constituents in the groundwater.

(3) The concentrations of hazardous waste or hazardous waste constituents in the groundwater.

(b) For each indicator parameter specified in 40 CFR 265.92(b)(3), the owner or operator must calculate the arithmetic mean and variance, based on at least four replicate measurements on each sample, for each well monitored in accordance with 40 CFR 265.92(d)(2), and compare these results with its initial background arithmetic mean. The comparison must consider individually each of the wells in the monitoring system, and must use the Student's Test at the 0.01 level of significance (see Appendix IV of 40 CFR Part 265) to determine statistically significant increases (and decreases, in the case of pH) over initial background.

(c) (1) If the comparisons for the upgradient wells made under paragraph (b) of this section show a significant increase (or pH decrease), the owner or operator must submit this information in accordance with 40 CFR 265.94(a)(2)(ii).

(2) If the comparisons for downgradient wells made under paragraph (b) of this section show a significant increase (or pH decrease), the owner or operator must then immediately obtain additional ground-water samples from those downgradient wells where a significant difference was detected, split the samples in two, and obtain analyses of all additional samples to determine whether the significant difference was a result of laboratory error.

(d) (1) If the analyses performed under paragraph (c)(2) of this section confirm the significant increase (or pH decrease), the owner or operator must provide written notice to the Regional Administrator - within seven days of the date of such confirmation - that the facility may be affecting groundwater quality.

(2) Within 15 days after notification under paragraph (d)(1) of this section, the owner or operator must develop and submit to the Regional Administrator a specific plan, based on the outline required under paragraph (a) of this section and certified by a qualified geologist or geotechnical engineer, for a groundwater quality assessment program at the facility.

(3) The plan to be submitted under 40 CFR 265.90(d)(1) or paragraph (d)(2) of this section must specify:

References
40 CFR 265.93 (con't.)

(i) The number, location, and depth of wells.

(ii) Sampling and analytical methods for those hazardous wastes or hazardous waste constituents in the facility.

(iii) Evaluation procedures, including any use of previously-gathered groundwater quality information.

(iv) A schedule of implementation.

(4) The owner or operator must implement the groundwater quality assessment plan which satisfies the requirements of paragraph (d)(3) of this section, and, at a minimum, determine:

(i) The rate and extent of migration of the hazardous waste or hazardous waste constituents in the groundwater.

(ii) The concentrations of the hazardous waste or hazardous waste constituents in the groundwater.

(5) The owner or operator must make his first determination under paragraph (d)(4) of this section as soon as technically feasible, and, within 15 days after that determination, submit to the Regional Administrator a written report containing an assessment of the groundwater quality.

(6) If the owner or operator determines, based on the results of the first determination under paragraph (d)(4) of this section, that no hazardous waste or hazardous waste constituents from the facility have entered the groundwater, then he may reinstate the indicator evaluation program described in 40 CFR 265.92 and paragraph (b) of this section. If the owner or operator reinstates the indicator evaluation program, he must so notify the Regional Administrator in the report submitted under paragraph (d)(5) of this section.

(7) If the owner or operator determines, based on the first determination under paragraph (d)(4) of this section, that hazardous waste or hazardous waste constituents from the facility have entered the ground water, then he:

(i) Must continue to make the determinations required under paragraph (d)(4) of this section on a quarterly basis until final closure of the facility, if the ground-water quality assessment plan was implemented prior to final closure of the facility, or

References
40 CFR 265.93 (con't.)

(ii) May cease to make the determinations required under paragraph (d)(4) of this section, if the ground-water quality assessment plan was implemented during the post-closure care period.

(e) Not withstanding any other provision of this subpart, any ground-water quality assessment to satisfy the requirements of 40 CFR 265.93(d)(4) which is initiated prior to final closure of the facility must be completed and reported in accordance with 40 CFR 265.93(d)(5).

References
40 CFR 265.94

Ground Water Monitoring - Recordkeeping and Reporting

(a) Unless the groundwater is monitored to satisfy the requirements of 40 CFR 265.93(d)(4), the owner or operator must:

(2) Report the following groundwater monitoring information to the Regional Administrator:

(i) During the first year when initial background concentrations are being established for the facility: Concentrations or values of the parameters listed in 40 CFR 265.92(b)(1) for each groundwater monitoring well within 15 days after completing each quarterly analysis. The owner or operator must separately identify for each monitoring well any parameters whose concentration or value has been found to exceed the maximum containment levels listed in Appendix III.

(ii) Annually: Concentrations or values of the parameters listed in 40 CFR 265.92(b)(3) for each groundwater monitoring well, along with the required evaluations for these parameters under 40 CFR 265.93(b). The owner or operator must separately identify any significant differences from initial background found in the upgradient wells in accordance with 40 CFR 265.93(c)(1). During the active life of the facility, this information must be submitted no later than March 1 following each calendar year.

(iii) No later than March 1 following each calendar year: Results of the evaluation of groundwater surface elevations under 40 CFR 265.93(f), and a description of the response to that evaluation, where applicable.

(b) If the groundwater is monitored to satisfy the requirements of 40 CFR 265.93(d)(4), the owner or operator must:

References
40 CFR 265.94 (con't.)

(1) Keep records of the analyses and evaluations specified in the plan, which satisfies the requirements of 40 CFR 265.93(d)(3), throughout the active life of the facility, and, for disposal facilities, throughout the post-closure care period as well.

(2) Annually, until final closure of the facility, submit to the Regional Administrator, a report containing the results of his or her groundwater quality assessment program, which includes, but is not limited to, the calculated (or measured) rate of migration of hazardous waste or hazardous waste constituents in the groundwater during the reporting period. This information must be submitted no later than March 1 following each calendar year.

References
40 CFR 265.112

Closure and Post-Closure - Closure Plan: Amendment of Plan

(c) Amendment of plan. The owner or operator may amend the closure plan at any time prior to the notification of partial or final closure of the facility. An owner or operator with an approved closure plan must submit a written request to the Regional Administrator to authorize a change to the approved closure plan. The written request must include a copy of the amended closure plan for approval by the Regional Administrator.

(1) The owner or operator must amend the closure plan whenever:

(i) Changes in operating plans or facility design affect the closure plan, or

(ii) There is a change in the expected year of closure, if applicable, or

(iii) In conducting partial or final closure activities, unexpected events require a modification of the closure plan.

(2) The owner or operator must amend the closure plan at least 60 days prior to the proposed change in facility design or operation, or no later than 60 days after an unexpected event has occurred which has affected the closure plan. If an unexpected event occurs during the partial or final closure period, the owner or operator must amend the closure plan no later than 30 days after the unexpected event. These provisions also apply to owners or operators of surface impoundments and waste piles who intended to remove all hazardous wastes at closure, but are required to close as landfills in accordance with 40 CFR 265.310.

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References
40 CFR 265.112 (con't.)

(3) An owner or operator with an approved closure plan must submit the modified plan to the Regional Administrator at least 60 days prior to the proposed change in facility design or operation, or no more than 60 days after an unexpected event has occurred which has affected the closure plan. If an unexpected event has occurred during the partial or final closure period, the owner or operator must submit the modified plan no more than 30 days after the unexpected event. These provisions also apply to owners or operators of surface impoundments and waste piles who intended to remove all hazardous wastes at closure but are required to close as landfills in accordance with 40 CFR 265.310. If the amendment to the plan is a Class 2 or 3 modification according to the criteria in 40 CFR 270.42, the modification to the plan will be approved according to the procedures in 40 CFR 265.112(d)(4).

(4) The Regional Administrator may request modifications to the plan under the conditions described in paragraph (c)(1) of this section. An owner or operator with an approved closure plan must submit the modified plan within 60 days of the request from the Regional Administrator, or within 30 days if the unexpected event occurs during partial or final closure. If the amendment is considered a Class 2 or 3 modification according to the criteria in 40 CFR 270.42, the modification to the plan will be approved in accordance with the procedures in 40 CFR 265.112(d)(4).

(d) Notification of Partial Closure and Final Closure.

(1) The owner or operator must submit the closure plan to the Regional Administrator at least 180 days prior to the date on which he expects to begin closure of the first surface impoundment, waste pile, land treatment, or landfill unit, or final closure if it involves such a unit, whichever is earlier. The owner or operator must submit the closure plan to the Regional Administrator at least 45 days prior to the date on which he expects to begin partial or final closure of a boiler or industrial furnace. The owner or operator must submit the closure plan to the Regional Administrator at least 45 days prior to the date on which he expects to begin final closure of a facility with only tanks, container storage, or incinerator units. Owners or operators with approved closure plans must notify the Regional Administrator in writing at least 60 days prior to the date on which he expects to begin closure of a surface impoundment, waste pile, landfill, or land treatment unit, or final closure of a facility involving such a unit. Owners or operators with approved closure plans must notify the Regional Administrator in writing at least 45 days prior to the date on which he expects to begin partial or final closure of a boiler or industrial furnace. Owners or operators with approved closure plans must notify the Regional Administrator in writing at least 45 days prior to the date on which he expects to begin final closure of a facility with only tanks, container storage, or incinerator units.

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References
40 CFR 265.112 (con't.)

(2) The date when he "expects to begin closure" must be either:

(i) Within 30 days after the date on which any hazardous waste management unit receives the known final volume of hazardous wastes, or, if there is a reasonable possibility that the hazardous waste management unit will receive additional hazardous wastes, no later than one year after the date on which the unit received the most recent volume of hazardous waste. If the owner or operator of a hazardous waste management unit can demonstrate to the Regional Administrator that the hazardous waste management unit or facility has the capacity to receive additional hazardous wastes and he has taken, and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all interim status requirements, the Regional Administrator may approve an extension to this one-year limit; or

(ii) For units meeting the requirements of 40 CFR 265.113(d), no later than 30 days after the date on which the hazardous waste management unit receives the known final volume of nonhazardous wastes, or if there is a reasonable possibility that the hazardous waste management unit will receive additional nonhazardous wastes, no later than one year after the date on which the unit received the most recent volume of nonhazardous wastes. If the owner or operator can demonstrate to the Regional Administrator that the hazardous waste management unit has the capacity to receive additional nonhazardous wastes and he has taken, and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all applicable interim status requirements, the Regional Administrator may approve an extension to this one-year limit.

(3) The owner or operator must submit his closure plan to the Regional Administrator no later than 15 days after:

(i) Termination of interim status except when a permit is issued simultaneously with termination of interim status; or

(ii) Issuance of a judicial decree or final order under Section 3008 of RCRA to cease receiving hazardous wastes or close.

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References
40 CFR 265.113

Closure and Post-Closure - Closure: Time Allowed for Closure

(e) In addition to the requirements in paragraph (d) of 40 CFR 265.113 an owner or operator of a hazardous waste surface impoundment that is not in compliance with the liner and leachate collection system requirements in 42 U.S.C.3004(o)(1), and 3005(j)(1) or 42 U.S.C. 3004(o)(2) or (3) or 3005(j)(2), (3), (4) or (13) must:

(1) Submit with the Part B application:

(i) A contingent corrective measures plan.

(ii) A plan for removing hazardous wastes in compliance with paragraph (e)(2) of this section; and

(5) During the period of corrective action, the owner or operator shall provide semi-annual reports to the Regional Administrator that describe the progress of the corrective action program, compile all ground-water monitoring data, and evaluate the effect of the continued receipt of non-hazardous wastes on the effectiveness of the corrective action.

References
40 CFR 265.117

Closure and Post-Closure - Post-Closure: Care and Use of Property

(a) (1) Post-closure care for each hazardous waste management unit subject to the requirements of 40 CFR 265.117 through 265.120 must begin after completion of closure of the unit and continue for 30 years after that date. It must consist of at least the following:

(i) Monitoring and reporting in accordance with the requirements of subparts F, K, L, M, and N of 40 CFR Part 265.

(ii) Maintenance and monitoring of waste containment systems in accordance with the requirements of subparts F, K, L, M, and N of 40 CFR Part 265.

(2) Any time preceding closure of a hazardous waste management unit subject to post-closure care requirements or final closure, or any time during the post-closure period for a particular hazardous waste disposal unit, the Regional Administrator may:

References
40 CFR 265.117 (con't.)

(i) Shorten the post-closure care period applicable to the hazardous waste management unit, or facility, if all disposal units have been closed, if he finds that the reduced period is sufficient to protect human health and the environment (e.g., leachate or ground-water monitoring results, characteristics of the hazardous waste, application of advanced technology, or alternative disposal, treatment, or re-use techniques indicate that the hazardous waste management unit or facility is secure), or

(ii) Extend the post-closure care period applicable to the hazardous waste management unit or facility, if he finds that the extended period is necessary to protect human health and the environment (e.g., leachate or ground-water monitoring results indicate a potential for migration of hazardous wastes at levels which may be harmful to human health and the environment).

References
40 CFR 265.118

Closure and Post-Closure - Post-Closure Plan: Amendment of Plan

(d) The owner or operator may amend the post-closure plan any time during the active life of the facility or during the post-closure care period. An owner or operator with an approved post-closure plan must submit a written request to the Regional Administrator to authorize a change to the approved plan. The written request must include a copy of the amended post-closure plan for approval by the Regional Administrator.

(1) The owner or operator must amend the post-closure plan whenever:

(i) Changes in operating plans or facility design affect the post-closure plan, or

(ii) Events which occur during the active life of the facility, including partial and final closures, affect the post-closure plan.

(2) The owner or operator must amend the post-closure plan at least 60 days prior to the proposed change in facility design or operation, or no later than 60 days after an unexpected event has occurred which has affected the post-closure plan.

(3) An owner or operator with an approved post-closure plan must submit the modified plan to the Regional Administrator at least 60 days prior to the proposed change in facility design or operation, or no more than 60 days after an unexpected event has occurred which has affected the post-closure plan. If an owner or operator of a

References
40 CFR 265.118 (con't.)

surface impoundment or a waste pile who intended to remove all hazardous wastes at closure in accordance with 40 CFR 265.228(b) or 40 CFR 265.258(a) is required to close as a landfill in accordance with 40 CFR 265.310, the owner or operator must submit a post-closure plan within 90 days of the determination by the owner or operator or Regional Administrator that the unit must be closed as a landfill. If the amendment to the post-closure plan is a Class 2 or 3 modification according to the criteria in 40 CFR 270.42, the modification to the plan will be approved according to the procedures in 40 CFR 265.118(f).

(4) The Regional Administrator may request modifications to the plan under the conditions described in paragraph (d)(1) of this section. An owner or operator with an approved post-closure plan must submit the modified plan no later than 60 days of the request from the Regional Administrator. If the amendment to the plan is considered a Class 2 or 3 modification according to the criteria in 40 CFR 270.42, the modifications to the post-closure plan will be approved in accordance with the procedures in 40 CFR 265.118(f). If the Regional Administrator determines that an owner or operator of a surface impoundment or waste pile who intended to remove all hazardous wastes at closure must close the facility as a landfill, the owner or operator must submit a post-closure plan for approval to the Regional Administrator within 90 days of the determination.

References
40 CFR 265.193

Tank Systems - Containment and Detection of Releases

(h) The following procedures must be followed in order to request a variance from secondary containment:

(1) The Regional Administrator must be notified in writing by the owner or operator that he intends to conduct and submit a demonstration for a variance from secondary containment as allowed in paragraph (g) of 40 CFR 265.193 according to the following schedule:

(i) For existing tank systems, at least 24 months prior to the date that secondary containment must be provided in accordance with paragraph (a) of this section.

(ii) For new tank systems, at least 30 days prior to entering into a contract for installation of the tank system.

(2) As part of the notification, the owner or operator must also submit to the Regional Administrator a description of the steps necessary to conduct the demonstration and a timetable for completing each of the steps. The demonstration must address each of the factors listed in paragraph (g)(1) or paragraph (g)(2) of 40 CFR 265.193.

References
40 CFR 265.193 (con't.)

(3) The demonstration for a variance must be completed and submitted to the Regional Administrator within 180 days after notifying the Regional Administrator of intent to conduct the demonstration.

References
40 CFR 265.196

Tank Systems - Response to Leaks or Spills and Disposition of Leaking or Unfit-For-Use Tank Systems

A tank system or secondary containment system from which there has been a leak or spill, or which is unfit for use, must be removed from service immediately, and the owner or operator must satisfy the following requirements:

(d) Notifications, reports.

(1) Any release to the environment, except as provided in paragraph (d)(2) of this section, must be reported to the Regional Administrator within 24 hours of detection. If the release has been reported pursuant to 40 CFR Part 302, that report will satisfy this requirement.

(2) A leak or spill of hazardous waste that is:

(i) Less than or equal to a quantity of one (1) pound, and

(ii) Immediately contained and cleaned-up, is exempted from the requirements of this paragraph.

(3) Within 30 days of detection of a release to the environment, a report containing the following information must be submitted to the Regional Administrator:

(i) Likely route of migration of the release.

(ii) Characteristics of the surrounding soil (soil composition, geology, hydrogeology, climate).

(iii) Results of any monitoring or sampling conducted in connection with the release (if available). If sampling or monitoring data relating to the release are not available within 30 days, these data must be submitted to the Regional Administrator as soon as they become available.

(iv) Proximity to down-gradient drinking water, surface water, and population areas.

References 40 CFR 265.196 (con't.)	(v) Description of response actions taken or planned. (f) Certification of major repairs. If the owner or operator has repaired a tank system in accordance with paragraph (e) of 40 CFR 265.196, and the repair has been extensive (e.g., installation of an internal liner; repair of a ruptured primary containment or secondary containment vessel), the tank system must not be returned to service unless the owner/operator has obtained a certification by an independent, qualified, registered professional engineer in accordance with 40 CFR 270.11(d) that the repaired system is capable of handling hazardous wastes without release for the intended life of the system. This certification must be submitted to the Regional Administrator within seven days after returning the tank system to use.
References 40 CFR 265.221	**Surface Impoundments - Design and Operating Requirements** (a) The owner or operator of each new surface impoundment unit on which construction commences after January 29, 1992, each lateral expansion of a surface impoundment unit on which construction commences after July 29, 1992, and each replacement of an existing surface impoundment unit that is to commence reuse after July 29, 1992 must install two or more liners and a leachate collection and removal system between such liners, and operate the leachate collection and removal system, in accordance with 40 CFR 264.221(c), unless exempted under 40 CFR 264.221(d), (e), or (f), of this chapter. "Construction commences" is as defined in 40 CFR 260.1 under "existing facility." (b) The owner or operator of each unit referred to in paragraph (a) of this section must notify the Regional Administrator at least 60 days prior to receiving waste. The owner or operator of each facility submitting notice must file a Part B application within six months of the receipt of such notice.
References 40 CFR 265.222	**Surface Impoundments - Action Leakage Rate** (a) The owner or operator of surface impoundment units subject to 40 CFR 265.221(a) must submit a proposed action leakage rate to the Regional Administrator when submitting the notice required under 40 CFR 265.221(b). Within 60 days of receipt of the notification, the Regional Administrator will: Establish an action leakage rate, either as proposed by the owner or operator or modified using the criteria in this section; or extend the review period for up to 30 days. If no action is taken by the Regional Administrator before the original 60-day or extended 90-day review periods, the action leakage rate will be approved as proposed by the owner or operator.

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References
40 CFR 265.223

Surface Impoundments - Response Actions

(a) The owner or operator of surface impoundment units subject to 40 CFR 265.221(a) must submit a response action plan to the Regional Administrator when submitting the proposed action leakage rate under 40 CFR 265.222. The response action plan must set forth the actions to be taken if the action leakage rate has been exceeded. At a minimum, the response action plan must describe the actions specified in paragraph (b) of this section.

(b) If the flow rate into the leak detection system exceeds the action leakage rate for any sump, the owner or operator must:

(1) Notify the Regional Administrator in writing of the exceedance within 7 days of the determination.

(2) Submit a preliminary written assessment to the Regional Administrator within 14 days of the determination, as to the amount of liquids, likely sources of liquids, possible location, size, and cause of any leaks, and short-term actions taken and planned.

(3) Determine to the extent practicable the location, size, and cause of any leak.

(4) Determine whether waste receipt should cease or be curtailed, whether any waste should be removed from the unit for inspection, repairs, or controls, and whether or not the unit should be closed.

(5) Determine any other short-term and longer-term actions to be taken to mitigate or stop any leaks.

(6) Within 30 days after the notification that the action leakage rate has been exceeded, submit to the Regional Administrator the results of the analyses specified in paragraphs (b)(3), (4), and (5) of this section, the results of actions taken, and actions planned. Monthly thereafter, as long as the flow rate in the leak detection system exceeds the action leakage rate, the owner or operator must submit to the Regional Administrator a report summarizing the results of any remedial actions taken and actions planned.

(c) To make the leak and/or remediation determinations in paragraphs (b)(3), (4), and (5) of this section, the owner or operator must:

(1) (i) Assess the source of liquids and amounts of liquids by source,

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References
40 CFR 265.223 (con't.)

(ii) Conduct fingerprint, hazardous constituent, or other analyses of the liquids in the leak detection system to identify the source of liquids and possible location of any leaks, and the hazard and mobility of the liquid, and

(iii) Assess the seriousness of any leaks in terms of potential for escaping into the environment, or

(2) Document why such assessments are not needed.

References
40 CFR 265.225

Waste Piles - Action Leakage Rate

(a) The owner or operator of waste pile units subject to 40 CFR 265.254 must submit a proposed action leakage rate to the Regional Administrator when submitting the notice required under 40 CFR 265.254. Within 60 days of receipt of the notification, the Regional Administrator will: Establish an action leakage rate, either as proposed by the owner or operator or modified using the criteria in this section; or extend the review period for up to 30 days. If no action is taken by the Regional Administrator before the original 60- or extended 90-day review periods, the action leakage rate will be approved as proposed by the owner or operator.

References
40 CFR 265.259

Waste Piles - Response Actions

(a) The owner or operator of waste pile units subject to 40 CFR 265.254 must submit a response action plan to the Regional Administrator when submitting the proposed action leakage rate under 40 CFR 265.255. The response action plan must set forth the actions to be taken if the action leakage rate has been exceeded. At a minimum, the response action plan must describe the actions specified in paragraph (b) of this section.

(b) If the flow rate into the leak determination system exceeds the action leakage rate for any sump, the owner or operator must:

(1) Notify the Regional Administrator in writing of the exceedance within 7 days of the determination.

(2) Submit a preliminary written assessment to the Regional Administrator within 14 days of the determination as to the amount of liquids; likely sources of liquids; possible location, size, and cause of any leaks; and short-term actions taken and planned.

References
40 CFR 265.259 (con't.)

(3) Determine to the extent practicable the location, size, and cause of any leak.

(4) Determine whether waste receipts should cease or be curtailed; whether any waste should be removed from the unit for inspection, repairs, or controls; and whether or not the unit should be closed.

(5) Determine any other short-term and longer-term actions to be taken to mitigate or stop any leaks.

(6) Within 30 days after the notification that the action leakage rate has been exceeded, submit to the Regional Administrator the results of the analyses specified in paragraphs (b)(3), (4), and (5) of this section, the results of actions taken, and actions planned. Monthly thereafter, as long as the flow rate in the leak detection system exceeds the action leakage rate, the owner or operator must submit to the Regional Administrator a report summarizing the results of any remedial actions taken and actions planned.

(c) To make the leak and/or remediation determinations in paragraphs (b)(3), (4), and (5) of this section, the owner or operator must:

(1) (i) Assess the source of liquids and amounts of liquids by source,

(ii) Conduct fingerprint, hazardous constituent, or other analyses of the liquids in the leak detection system to identify the source of liquids and possible location of any leaks, and the hazard and mobility of the liquid, and

(iii) Assess the seriousness of any leaks in terms of potential for escaping into the environment, or

(2) Document why such assessments are not needed.

References
40 CFR 265.301

Landfills - Design and Operating Requirements

(a) The owner or operator of each new landfill unit on which construction commences after January 29, 1992, each lateral expansion of a landfill unit on which construction commences after July 29, 1992, and each replacement of an existing landfill unit that is to commence reuse after July 29, 1992 must install two or more liners and a leachate collection and removal system above and between such liners, and operate the leachate collection and removal systems, accordance

References
40 CFR 265.301 (con't.)

with 40 CFR 264.301(d), (e), or (f), of this chapter. "Construction commences" as defined in 40 CFR 260.10 of this chapter under "existing facility".

(b) The owner or operator of each unit referred to in paragraph (a) of this section must notify the Regional Administrator at least 60 days prior to receiving waste. The owner or operator of each facility submitting notice must file a Part B application within six months of the receipt of such notice.

(c) The owner or operator of any replacement landfill unit is exempt from paragraph (a) of this section if:

(1) The existing unit was constructed in compliance with the design standards of section 3004(o)(1)(A)(i) and (o)(5) of the Resource Conservation and Recovery Act, and

(2) There is reason to believe that the liner is not functioning as designed.

References
40 CFR 265.302

Landfills - Action Leakage Rate

(a) The owner or operator of landfill units subject to 40 CFR 265.301(a) must submit a proposed action leakage rate of the Regional Administrator when submitting the notice required under 40 CFR 265.301(b). Within 60 days of receipt of the notification, the Regional Administrator will: Establish an action leakage rate, either as proposed by the owner or operator or modified using the criteria in this section; or extend the review period for up to 30 days. If no action is taken by the Regional Administrator before the original 60-day or extended 90-day review period, the action leakage rate will be approved as proposed by the owner or operator.

References
40 CFR 265.303

Landfills - Response Actions

(a) The owner or operator of landfill units subject to 40 CFR 265.301(a) must submit a response action plan to the Regional Administrator when submitting the proposed action leakage rate under 40 CFR 265.302. The response action plan must set forth the actions to be taken if the action leakage rate has been exceeded. At a minimum, the response action plan must describe the actions specified in paragraph (b) of this section.

(b) If the flow rate into the leak detection system exceeds the action leakage rate for any sump, the owner or operator must:

Part 8. Standards for Owners/Operators of Interim Status Hazardous Waste (TSD) Facilities (con't.)

References
40 CFR 265.303 (con't.)

(1) Notify the Regional Administrator in writing of the exceedance within 7 days of the determination.

(2) Submit a preliminary written assessment to the Regional Administrator within 14 days of the determination as to the amount of liquids, likely sources of liquids, possible location, size, and cause of any leaks, and short-term actions taken and planned.

(3) Determine to the extent practicable the location, size, and cause of any leak.

(4) Determine whether waste receipt should cease or be curtailed, whether any waste should be removed from the unit for inspection, repairs, or controls, and whether or not the unit should be closed.

(5) Determine any other short-term and longer-term actions to be taken to mitigate or stop any leaks.

(6) Within 30 days after the notification that the action leakage rate has been exceeded, submit to the Regional Administrator the results of the analyses specified in paragraphs (b)(3), (4), and (5) of this section, the results of actions taken, and actions planned. Monthly thereafter, as long as the flow rate in the leak detection system exceeds the action leakage rate, the owner or operator must submit to the Regional Administrator a report summarizing the results of any remedial actions taken and actions planned.

(c) To make the leak and/or remediation determinations in paragraphs (b)(3), (4), and (5) of this section, the owner or operator must:

(1) (i) Assess the source of liquids and amounts of liquids by source,

(ii) Conduct fingerprint, hazardous constituent, or other analyses of the liquids in the leak detection system to identify the source of liquids and possible location of any leaks, and the hazard and mobility of the liquid, and

(iii) Assess the seriousness of any leaks in terms of potential for escaping into the environment, or

(2) Document why such assessments are not needed.

Table 6
Resource Conservation and Recovery Act

Part 8. Standards for Owners/Operators of Interim Status Hazardous Waste (TSD) Facilities (con't.)

References
40 CFR 265.1061

Air Emission Standards for Equipment Leaks - Alternative Standards for Valves in Gas/Vapor Service or in Light Liquid Service: Percentage of Valves Allowed to Leak

(a) An owner or operator subject to the requirements of 40 CFR 265.1057 may elect to have all valves within a hazardous waste management unit comply with an alternative standard which allows no greater than 2 percent of the valves to leak.

(b) The following requirements shall be met if an owner or operator decides to comply with the alternative standard of allowing 2 percent of valves to leak:

(1) An owner or operator must notify the Regional Administrator that the owner or operator has elected to comply with the requirements of this section.

(d) If an owner or operator decides no longer to comply with the requirements of 40 CFR 265.1061, the owner or operator must notify the Regional Administrator in writing that the work practice standard described in 40 CFR 265.1057(a) through (e) will be followed.

References
40 CFR 265.1062

Air Emission Standards for Equipment Leaks - Alternative Standards for Valves in Gas/Vapor Service or in Light Liquid Service: Skip Period Leak Detection and Repair

(a) (1) An owner or operator subject to the requirements of 40 CFR 265.1057 may elect for all valves within a hazardous waste management unit to comply with one of the alternative work practices specified in 40 CFR 265.1062(b)(2) and (b)(3).

(2) An owner or operator must notify the Regional Administrator before implementing one of the alternative work practices.

References
40 CFR 265.1085(e)(3)(iv) and (f)(3)(iii) [40 CFR 265.202 requires hazardous wastes be managed in tank systems in accordance with 40 CFR 265, Subpart CC which includes 265.1085(e)(3)(iv) and (f)(3)(iii).]

Air Emission Standards for Hazardous Waste Tanks, Surface Impoundments, and Containers - Standards: Tanks

(e) The owner or operator who controls air pollutant emissions from a tank using a fixed roof with an internal floating roof shall meet the requirements specified in paragraphs (e)(1) through (e)(3) of this section.

References 40 CFR 265.1085(e)(3)(iv) and (f)(3)(iii) (con't.)	(3) The owner or operator shall inspect the internal floating roof in accordance with the procedures specified as follows: (iv) Prior to each inspection required by paragraph (e)(3)(ii) or (e)(3)(iii) of this section, the owner or operator shall notify the Regional Administrator in advance of each inspection to provide the Regional Administrator with the opportunity to have an observer present during the inspection. The owner or operator shall notify the Regional Administrator of the date and location of the inspection as follows: (A) Prior to each visual inspection of an internal floating roof in a tank that has been emptied and degassed, written notification shall be prepared and sent by the owner or operator so that it is received by the Regional Administrator at least 30 calendar days before refilling the tank except when an inspection is not planned as provided for in paragraph (e)(3)(iv)(B) of this section. (B) When a visual inspection is not planned and the owner or operator could not have known about the inspection 30 calendar days before refilling the tank, the owner or operator shall notify the Regional Administrator as soon as possible, but no later than 7 calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation for why the inspection is unplanned. Alternatively, written notification, including the explanation for the unplanned inspection, may be sent so that it is received by the Regional Administrator at least 7 calendar days before refilling the tank. (f) The owner or operator who controls air pollutant emissions from a tank using an external floating roof shall meet the requirements specified in paragraphs (f)(1) through (f)(3) of this section. (3) The owner or operator shall inspect the external floating roof in accordance with the procedures specified as follows: (iii) Prior to each inspection required by paragraph (f)(3)(i) or (f)(3)(ii) of this subpart, the owner or operator shall notify the Regional Administrator in advance of each inspection to provide the Regional Administrator with the opportunity to have an observer present during the inspection. The owner or operator shall notify the Regional Administrator of the date and location of the inspection as follows:

References
40 CFR 265.1085(e)(3)(iv) and (f)(3)(iii) (con't.)

(A) Prior to each inspection to measure external floating roof seal gaps as required under paragraph (f)(3)(i) of this section, written notification shall be prepared and sent by the owner or operator so that it is received by the Regional Administrator at least 30 calendar days before the date the measurements are scheduled to be performed.

(B) Prior to each visual inspection of an external floating roof in a tank that has been emptied and degassed, written notification shall be prepared and sent by the owner or operator so that it is received by the Regional Administrator at least 30 calendar days before refilling the tank except when an inspection is not planned as provided for in paragraph (f)(3)(iii)(C) of this section.

(C) When a visual inspection is not planned and the owner or operator could not have known about the inspection 30 calendar days before refilling the tank, the owner or operator shall notify the Regional Administrator as soon as possible, but no later than 7 calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation for why the inspection is unplanned. Alternatively, written notification, including the explanation for the unplanned inspection, may be sent so that it is received by the Regional Administrator at least 7 calendar days before refilling the tank.

References
40 CFR 265.1100

Containment Buildings - Applicability

The requirements of this subpart apply to owners or operators who store or treat hazardous waste in {completely enclosed, self-supporting structures} designed and operated under 40 CFR 265.1101. These provisions will become effective on February 18, 1993, although the owner or operator may notify the Regional Administrator of his intent to be bound by this subpart at an earlier time.

References
40 CFR 265.1101

Containment Buildings - Design and Operating Standards

(c) Owners or operators of all containment buildings must:

(3) (i) Upon detection of a condition that has led to a release of hazardous waste (e. g., upon detection of leakage from the primary barrier) the owner or operator must:

Table 6
Resource Conservation and Recovery Act

Part 8. Standards for Owners/Operators of Interim Status Hazardous Waste (TSD) Facilities (con't.)

References
40 CFR 265.1101 (con't.)

(D) Within 7 days after the discovery of the condition, notify the Regional Administrator of then condition, and within 14 working days, provide a written notice to the Regional Administrator with a description of the steps taken to repair the containment building, and the schedule for accomplishing the work.

(ii) The Regional Administrator will review the information submitted, make a determination regarding whether the containment building must be removed from service completely or partially until repairs and cleanup are complete, and notify the owner or operator of the determination and the underlying rationale in writing.

(iii) Upon completing all repairs and cleanup the owner or operator must notify the Regional Administrator in writing and provide a verification, signed by a qualified, registered professional engineer, that the repairs and cleanup have been completed according to the written plan submitted in accordance with paragraph (c)(3)(i)(D) of this section.

Part 9. Land Disposal Restrictions (LDR)

Authorizations
RCRA Section 3004

References
40 CFR 268.5

Procedures for Case-by-Case Extension to an Effective Date.

(f) Any person {who generates, treats, stores, or disposes of a hazardous waste and who is} granted an extension under {40 CFR 268.5(a)} must immediately notify the Administrator as soon as he has knowledge of any change in the conditions certified to in the application.

(g) Any person {who generates, treats, stores, or disposes of a hazardous waste and who is} granted an extension under {40 CFR 268.5(a)} shall submit written progress reports at intervals designated by the Administrator. Such reports must describe the overall progress made toward constructing or otherwise providing alternative treatment, recovery or disposal capacity; must identify any event which may cause or has caused a delay in the development of the capacity; and must summarize the steps taken to mitigate the delay. The Administrator can revoke the extension at any time if the applicant does not demonstrate a good-faith effort to meet the schedule for completion, if the Agency denies or revokes any required permit, if conditions certified in the application change, or for any violation of this chapter.

References
40 CFR 268.6

Petitions to Allow Land Disposal of a Waste Prohibited Under Subpart C of 40 CFR Part 268

(e) After a petition {for an exemption from a prohibition under Subpart C of 40 CFR Part 268 for the disposal of a restricted hazardous waste in a particular unit or units} has been approved {pursuant to 40 CFR 268.6(a)}, the owner or operator must report any changes in conditions at the unit and/or the environment around the unit that significantly depart from the conditions described in the variance and affect the potential for migration of hazardous constituents from the units as follows:

(1) If the owner or operator plans to make changes to the unit design, construction, or operation, such a change must be proposed, in writing, and the owner or operator must submit a demonstration to the Administrator at least 30 days prior to making the change. The Administrator will determine whether the proposed change invalidates the terms of the petition and will determine the appropriate response. Any change must be approved by the Administrator prior to being made.

(2) If the owner or operator discovers that a condition at the site which was modeled or predicted in the petition does not occur as predicted, this change must be reported, in writing, to the Administrator within 10 days of discovering the change. The Administrator will determine whether the reported change from the terms of the petition requires

Part 9. Land Disposal Restrictions (LDR) (con't.)

References
40 CFR 268.6 (con't.)

further action, which may include termination of waste acceptance and revocation of the petition, petition modifications, or other responses.

(f) If the owner or operator determines that there is migration of hazardous constituent(s) from the unit, the owner or operator must:

(2) Notify the Administrator, in writing, within 10 days of the determination that a release has occurred.

(3) Following receipt of the notification the Administrator will determine, within 60 days of receiving notification, whether the owner or operator can continue to receive prohibited waste in the unit and whether the variance is to be revoked. The Administrator shall also determine whether further examination of any migration is warranted under applicable provisions of Part 264 or Part 265.

References
40 CFR 268.7

Waste Analysis and Recordkeeping

(a) (1) If a generator determines that he is managing a restricted waste under 40 CFR Part 268 and the waste does not meet the applicable treatment standards set forth in Subpart D of this part or exceeds the applicable prohibition levels set forth in 40 CFR 268.32 or RCRA Section 3004(d), with each shipment of waste the generator must notify the treatment or storage facility in writing of the appropriate treatment standards set forth in Subpart D of this part and any applicable prohibition levels set forth in 40 CFR 268.32 or RCRA Section 3004(d). The notice must include the following information:

(i) EPA Hazardous Waste Number.

(ii) The corresponding treatment standards for wastes F001-F005, F039, wastes prohibited pursuant to 40 CFR 268.32 or RCRA Section 3004(d), and for underlying hazardous constituents (as defined in 40 CFR 268.2) in D001 and D002 wastes if those wastes are prohibited under 40 CFR 268.3 of this part. Treatment standards for all other restricted wastes must either be included, or be referenced by including on the notification the applicable wastewater (as defined in 40 CFR 268.2(f)) or nonwastewater (as defined in 40 CFR 268.2(d)) category, the applicable subdivisions made within a waste code based on waste-specific criteria (such as D003 reactive cyanides), and the CFR section(s) and paragraphs where the applicable treatment standard appears. Where the applicable treatment standards are expressed as specified technologies in 40 CFR 268.42, the

References
40 CFR 268.7 (con't.)

applicable five-letter treatment code found in Table 1 of 40 CFR 268.42 (e.g., INCIN, WETOX) also must be listed on the notification.

(iii) The manifest number associated with the shipment of waste.

(iv) For hazardous debris, the contaminants subject to treatment as provided by 40 CFR 268.45(b) and the following statement: "This hazardous debris is subject to the alternative treatment standards of 40 CFR 268.45."

(v) Waste analysis data, where available.

(2) If a generator determines that he is managing a restricted waste under this part, and determines that the waste can be land disposed without further treatment, with each shipment of waste he must submit, to the treatment, storage, or land disposal facility, a notice and a certification stating that the waste meets the applicable treatment standards set forth in Subpart D of this part and the applicable prohibition levels set forth in 40 CFR 268.32 or RCRA Section 3004(d). Generators of hazardous debris that is excluded from the definition of hazardous waste under 40 CFR 261.3(e)(2) of this chapter (i.e., debris that the Director has determined does not contain hazardous waste), however, are not subject to these notification and certification requirements.

(i) The notice must include the following information:

(A) EPA Hazardous Waste Number.

(B) The corresponding treatment standards for wastes F001-F005, F039, and wastes prohibited pursuant to 40 CFR 268.32 or RCRA Section 3004(d). Treatment standards for all other restricted wastes must either be included, or be referenced by including on the notification the applicable wastewater (as defined in 40 CFR 268.2(f)) or nonwastewater (as defined in 40 CFR 268.2(d)) category, the applicable subdivisions made within a waste code based on waste-specific criteria (such as D003 reactive cyanides), and the CFR section(s) and paragraph(s) where the applicable treatment standard appears. Where the applicable treatment standards are expressed as specified technologies in 40 CFR 268.42, the applicable five-letter treatment code found in Table 1 of 40 CFR 268.42 (e.g., INCIN, WETOX) also must be listed on the notification.

Part 9. Land Disposal Restrictions (LDR) (con't.)

References
40 CFR 268.7 (con't.)

(C) The manifest number associated with the shipment of waste.

(D) Waste analysis data, where available.

(ii) The certification must be signed by an authorized representative and must state the following:

> I certify under penalty of law that I personally have examined and am familiar with the waste through analysis and testing or through knowledge of the waste to support this certification that the waste complies with the treatment standards specified in 40 CFR Part 268 Subpart D and all applicable prohibitions set forth in 40 CFR 268.32 or RCRA Section 3004(d). I believe that the information I submitted is true, accurate and complete. I am aware that there are significant penalties for submitting a false certification, including the possibility of a fine and imprisonment.

(3) If a generator's waste is subject to an exemption from a prohibition on the type of land disposal method utilized for the waste (such as, but not limited to, a case-by-case extension under 40 CFR 268.5, an exemption under 40 CFR 268.6, or a nationwide capacity variance under Subpart C), with each shipment of waste he must submit a notice to the facility receiving his waste stating that the waste is not prohibited from land disposal. The notice must include the following information:

(i) EPA Hazardous Waste Number.

(ii) The corresponding treatment standards for wastes F001-F005, F039, and wastes prohibited pursuant to 40 CFR 268.32 or RCRA Section 3004(d). Treatment standards for all other restricted wastes must either be included, or be referenced by including on the notification the applicable wastewater (as defined in 40 CFR 268.2(f)) or nonwastewater (as defined in 40 CFR 268.2(d)) category, the applicable subdivisions made within a waste code based on waste-specific criteria (such as D003 reactive cyanides), and the CFR section(s) and paragraph(s) where the applicable treatment standard appears. Where the applicable treatment standards are expressed as specified technologies in 40 CFR 268.42, the applicable five-letter treatment code found in Table 1 of 40 CFR 268.42 (e.g., INCIN, WETOX) also must be listed on the notification.

(iii) The manifest number associated with the shipment of waste.

Part 9. Land Disposal Restrictions (LDR) (con't.)

References
40 CFR 268.7 (con't.)

(iv) Waste analysis data, where available.

(v) For hazardous debris, the contaminants subject to treatment as provided by 40 CFR 268.45(b) and the following statement: "This hazardous debris is subject to the alternative treatment standards of 40 CFR 268.45."

(vi) The date the waste is subject to the prohibitions.

(4) If a generator is managing prohibited waste in tanks, containers, or containment buildings regulated under 40 CFR 262.34, and is treating such waste in such tanks, containers, or containment buildings to meet applicable treatment standards under Subpart D of this part, the generator must develop and follow a written waste analysis plan which describes the procedures the generator will carry out to comply with the treatment standards. (Generators treating hazardous debris under the alternative treatment standards of Table 1, 40 CFR 268.45, however, are not subject to these waste analysis requirements.) The plan must be kept on site in the generator's records, and the following requirements must be met:

(i) The waste analysis plan must be based on a detailed chemical and physical analysis of a representative sample of the prohibited waste(s) being treated, and contain all information necessary to treat the waste(s) in accordance with the requirements of this part, including the selected testing frequency.

(ii) Such plan must be filed with the EPA Regional Administrator (or his designated representative) or State authorized to implement 40 CFR Part 268 requirements a minimum of 30 days prior to the treatment activity, with delivery verified.

(iii) Wastes shipped off-site pursuant to this paragraph must comply with the notification requirements of 40 CFR 268.7(a)(2).

(8) If a generator is managing a lab pack that contains wastes identified in Appendix IV of 40 CFR Part 268 and wishes to use the alternative treatment standard under 40 CFR 268.42, with each shipment of waste the generator must submit a notice to the treatment facility in accordance with paragraph (a)(1) of this section. The generator must also comply with the requirements in paragraphs (a)(5) and (a)(6) of this section, and must submit the following certification, which must be signed by an authorized representative:

Part 9. Land Disposal Restrictions (LDR) (con't.)

References
40 CFR 268.7 (con't.)

I certify under penalty of law that I personally have examined and am familiar with the waste and that the lab pack contains only the wastes specified in Appendix IV to Part 268 or solid wastes not subject to regulation under 40 CPR Part 261. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine or imprisonment.

(9) If a generator is managing a lab pack that contains organic wastes specified in Appendix V of this part and wishes to use the alternative treatment standards under 40 CFR 268.42, with each shipment of waste the generator must submit a notice to the treatment facility in accordance with paragraph (a)(1) of this section. The generator also must comply with the requirements in paragraphs (a)(5) and (a)(6) of this section, and must submit the following certification which must be signed by an authorized representative:

I certify under penalty of law that I personally have examined and am familiar with the waste through analysis and testing or through knowledge of the waste and that the lab pack contains only organic waste specified in Appendix V to Part 268 or solid wastes not subject to regulation under 40 CFR Part 261. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine or imprisonment.

(b) (4) A notice must be sent with each waste shipment to the land disposal facility which includes the following information, except that debris excluded from the definition of hazardous waste under 40 CFR 261.3(e) of this chapter (i.e., debris treated by an extraction or destruction technology provided by Table 1, 40 CFR 268.45, and debris that the Director has determined does not contain hazardous waste) is subject to the notification and certification requirements of paragraph (d) of this section rather than these notification requirements:

(i) EPA Hazardous Waste Number.

(ii) The corresponding treatment standards for wastes F001-F005, F039, wastes prohibited pursuant to 40 CFR 268.32 or RCRA Section 3004(d), and for underlying hazardous constituents (as defined in 40 CFR 268.2) in D001 and D002 wastes if those wastes are prohibited under 40 CFR 268.3 of this part. Treatment standards for all other restricted wastes must either be included, or be referenced by including on the notification the applicable wastewater (as defined in 40 CFR 268.2(f)) or nonwastewater (as defined in 40 CFR 268.2(d)) category, the applicable subdivisions made within a waste code based on waste-specific criteria (such as D003 reactive cyanides), and the CFR section(s) and paragraph(s) where the applicable treatment standard appears.

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References
40 CFR 268.7 (con't.)

Where the applicable treatment standards are expressed as specified technologies in 40 CFR 268.42, the applicable five-letter treatment code found in Table 1 of 40 CFR 268.42 (e.g., INCIN, WETOX) also must be included on the notification.

(iii) The manifest number associated with the shipment of waste.

(iv) Waste analysis data, where available.

(5) The treatment facility must submit a certification with each shipment of waste or treatment residue of a restricted waste to the land disposal facility stating that the waste or treatment residue has been treated in compliance with the applicable performance standards specified in Subpart D of this part and the applicable prohibitions set forth in 40 CFR 268.32 or RCRA Section 3004(d). Debris excluded from the definition of hazardous waste under 40 CFR 261.3(e) of this chapter (i.e., debris treated by an extraction or destruction technology provided by Table 1, 40 CFR 268.45, and debris that the Director has determined does not contain hazardous waste), however, is subject to the notification and certification requirements of paragraph (d) of this section rather than the certification requirements of this paragraph (b)(5).

(i) For wastes with treatment standards expressed as concentrations in the waste extract or in the waste (40 CFR 268.41 or 40 CFR 268.43), or for wastes prohibited under 40 CFR 268.32 of this part or RCRA Section 3004(d) which are not subject to any treatment standards under Subpart D of this part, the certification must be signed by an authorized representative and must state the following:

I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification and that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the treatment process has been operated and maintained properly so as to comply with the performance levels specified in 40 CFR Part 268, Subpart D, and all applicable prohibitions set forth in 40 CFR 268.32 or RCRA Section 3004(d) without impermissible dilution of the prohibited waste. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

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References
40 CFR 268.7 (con't.)

(ii) For wastes with treatment standards expressed as technologies (40 CFR 268.42), the certification must be signed by an authorized representative and must state the following:

> I certify under penalty of law that the waste has been treated in accordance with the requirements of 40 CFR 268.42. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

(iii) For wastes with treatment standards expressed as concentrations in the waste pursuant to 40 CFR 268.43, if compliance with the treatment standards in Subpart D of this part is based in part or in whole on the analytical detection limit alternative specified in 40 CFR 268.43(c), the certification also must state the following:

> I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification and that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the nonwastewater organic constituents have been treated by incineration in units operated in accordance with 40 CFR Part 264, Subpart O, or 40 CFR Part 265, Subpart O, or by combustion in fuel substitution units operating in accordance with applicable technical requirements, and I have been unable to detect the nonwastewater organic constituents despite having used best good faith efforts to analyze for such constituents. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

(6) If the waste or treatment residue will be further managed at a different treatment or storage facility, the treatment, storage, or disposal facility sending the waste or treatment residue off-site must comply with the notice and certification requirements applicable to generators under this section.

(7) Where the wastes are recyclable materials used in a manner constituting disposal subject to the provisions of 40 CFR 266.20(b) regarding treatment standards and prohibition levels, the owner or operator of a treatment facility (i.e., the recycler) is not required to notify the receiving facility, pursuant to paragraph (b)(4) of this section. With each shipment of such wastes the owner or operator of the recycling facility must submit a certification described in paragraph (b)(5) of this section, and a notice which includes the information listed in paragraph (b)(4) of this section (except the manifest number) to the Regional Administrator, or his delegated representative.

Table 6
Resource Conservation and Recovery Act

Part 9. Land Disposal Restrictions (LDR) (con't.)

References
40 CFR 268.7 (con't.)

(d) Generators or treaters who first claim that hazardous debris is excluded from the definition of hazardous waste under 40 CFR 261.3(e) of this chapter (i.e., debris treated by an extraction or destruction technology provided by Table 1, 40 CFR 268.45, and debris that the Director has determined does not contain hazardous waste) are subject to the following notification and certification requirements:

(1) A one-time notification must be submitted to the Director or authorized State including the following information:

(i) The name and address of the Subtitle D facility receiving the treated debris.

(ii) A description of the hazardous debris as initially generated, including the applicable EPA Hazardous Waste Number(s).

(iii) For debris excluded under 40 CFR 261.3(e)(1) of this chapter, the technology from Table 1, 40 CFR 268.45, used to treat the debris.

(2) The notification must be updated if the debris is shipped to a different facility, and, for debris excluded under 40 CFR 261.2(e)(1) of this chapter, if a different type of debris is treated or if a different technology is used to treat the debris.

References
40 CFR 268.9

Special Rules Regarding Wastes that Exhibit a Characteristic

(d) Wastes that exhibit a characteristic are also subject to 40 CFR 268.7 requirements, except that once the waste is no longer hazardous, a one-time notification and certification must be placed in the generator's or treater's files and sent to the EPA region or authorized State. The notification and certification that is placed in the generator's or treater's files must be updated if the process or operation generating the waste changes and/or if the subtitle D facility receiving the waste changes. However, the generator or treater need only notify the EPA region or an authorized State on an annual basis if such changes occur. Such notification and certification should be sent to the EPA region or authorized State by the end of the calendar year, but no later that December 31.

(1) The notification must include the following information:

(i) Name and address of the Subtitle D facility receiving the waste shipment.

Table 6
Resource Conservation and Recovery Act

Part 9. Land Disposal Restrictions (LDR) (con't.)

References
40 CFR 268.9 (con't.)

(ii) A description of the waste as initially generated, including the applicable EPA Hazardous Waste Number(s) and treatability group(s).

(iii) The treatment standards applicable to the waste at the point of generation.

(2) The certification must be signed by an authorized representative and must state the language found in 40 CFR 268.7(b)(5).

Authorizations
RCRA Section 3005

References
40 CFR 270.30

Conditions Applicable to All Permits

The following conditions apply to all RCRA permits, and shall be incorporated into the permits either expressly or be reference. If incorporated by reference, a specific citation to these regulations (or the corresponding approved state regulations) must be given in the permit.

(l) Reporting requirements.

(1) Planned changes. The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility.

(2) Anticipated noncompliance. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. For a new facility, the permittee may not treat, store, or dispose of hazardous waste; and for a facility being modified, the permittee may not treat, store, or dispose of hazardous waste in the modified portion of the facility except as provided in 40 CFR 270.42, until:

(i) The permittee has submitted to the Director by certified mail or hand delivery a letter signed by the permittee and a registered professional engineer stating that the facility has been constructed or modified in compliance with the permit, and

(ii) (A) The Director has inspected the modified or newly constructed facility and finds it is in compliance with the conditions of the permit, or

(B) Within 15 days of the date of submission of the letter in paragraph (1)(2)(i) of this section, the permittee has not received notice from the Director of his or her intent to inspect, prior inspection is waived and the permittee may commence treatment, storage, or disposal of hazardous waste.

(3) This permit is not transferable to any person except after notice to the director.

(4) Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.

Part 10. The Hazardous Waste Permit Program (con't.)

References
40 CFR 270.30 (con't.)

(5) Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

(6) Twenty-four hour reporting.

(i) The permittee shall report any noncompliance which may endanger health or the environment within 24 hours from the time the permittee becomes aware of the circumstances, including:

(A) Information concerning release of any hazardous waste that may cause an endangerment to public drinking water supplies.

(B) Any information of a release or discharge of hazardous waste or of a fire or explosion from the HWM facility, which could threaten the environment or human health outside the facility.

(ii) The description of the occurrence and its cause shall include:

(A) Name, address, and telephone number of the owner or operator.

(B) Name, address, and telephone number of the facility.

(C) Date, time, and type of incident.

(D) Name and quantity of material(s) involved.

(E) The extent of injuries, if any.

(F) An assessment of actual or potential hazards to the environment and human heath outside the facility, where this is applicable.

(G) Estimated quantity and disposition of recovered material that resulted from the incident.

Part 10. The Hazardous Waste Permit Program (con't.)

References
40 CFR 270.30 (con't.)

(iii) A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The Director may waive the five day written notice requirement in favor of a written report within fifteen days.

(7) Manifest Discrepancy Report: If a significant discrepancy in a manifest is discovered, the permittee must attempt to reconcile the discrepancy. If not resolved within fifteen days, the permittee must submit a letter report, including a copy of the manifest, to the Director. (See 40 CFR 264.72).

(8) Unmanifested Waste Report: This report must be submitted to the Director within fifteen days of receipt of unmanifested waste. (See 40 CFR 264.76).

(9) Biennial Report: A biennial report must be submitted covering facility activities during odd numbered calendar years. (See 40 CFR 264.75).

(10) Other noncompliance: The permittee shall report all instances of noncompliance not reported under paragraphs (l)(4), (5), and (6) of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (l)(6) of this section.

(11) Other information: Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

References
40 CFR 270.42

Permit Modification at the Request of the Permittee

(a) Class I modifications.

(1) Except as provided in paragraph (a)(2) of this section, the permittee may put into effect Class I modifications listed in Appendix I of this section under the following conditions:

Part 10. The Hazardous Waste Permit Program (con't.)

References
40 CFR 270.42 (con't.)

(i) The permittee must notify the Director concerning the modification by certified mail or other means that establish proof of delivery within 7 calendar days after the change is put into effect. This notice must specify the changes being made to permit conditions or supporting documents referenced by the permit and must explain why they are necessary. Along with the notice, the permittee must provide the applicable information required by 40 CFR 270.13 through 270.21, 270.62, and 270.63.

(ii) The permittee must send a notice of the modification to all persons on the facility mailing list, maintained by the Director in accordance with 40 CFR 124.10(c)(viii), and the appropriate units of State and local government, as specified in 40 CFR 124.10(c)(ix). This notification must be made within 90 calendar days after the change is put into effect. For the Class I modifications that require prior Director approval, the notification must be made within 90 calendar days after the Director approves the request.

(iii) Any person may request the Director to review, and the Director may for cause reject, any Class I modification. The Director must inform the permittee by certified mail that a Class I modification has been rejected, explaining the reasons for the rejection. If a Class I modification has been rejected, the permittee must comply with the original permit conditions.

(2) Class I permit modifications identified in Appendix I of 40 CFR Part 270 shall be made only with the prior written approval of the Director.

(3) For a Class I permit modification, the permittee may elect to follow the procedures in 40 CFR 270.42(b) for Class 2 modifications instead of the Class I procedures. The permittee must inform the Director of this decision in the notice required in 40 CFR 270.42(b)(1).

(b) Class 2 modifications.

(1) For Class 2 modifications, listed in Appendix I of 40 CFR Part 270, the permittee must submit a modification request to the Director that:

(i) Describes the exact change to be made to the permit conditions and supporting documents referenced by the permit.

Part 10. The Hazardous Waste Permit Program (con't.)

References
40 CFR 270.42 (con't.)

(ii) Identifies that the modification is a Class 2 modification.

(iii) Explains why the modification is needed.

(iv) Provide the applicable information required by 40 CFR 270.13 through 270.21, 270.62, and 270.63.

(2) The permittee must send a notice of the modification request to all persons on the facility mailing list maintained by the Director and to the appropriate units of State and local government as specified in 40 CFR 124.10(c)(ix) and must publish this notice in a major local newspaper of general circulation. This notice must be mailed and published within 7 days before or after the date of submission of the modification request, and the permittee must provide to the Director evidence of the mailing and publication. The notice must include:

(i) Announcement of a 60-day comment period, in accordance with 40 CFR 270.42(b)(5), and the name and address of an Agency contact to whom comments must be sent.

(ii) Announcement of the date, time, and place for a public meeting held in accordance with 40 CFR 270.42(b)(4).

(iii) Name and telephone number of the permittee's contact person.

(iv) Name and telephone number of an Agency contact person.

(v) Location where copies of the modification request and any supporting documents can be viewed and copied.

(vi) The following statement: "The permittee's compliance history during the life of the permit being modified is available from the Agency contact person."

(3) The permittee must place a copy of the permit modification request and supporting documents in a location accessible to the public in the vicinity of the permitted facility.

(4) The permittee must hold a public meeting no earlier than 15 days after the publication of the notice required in paragraph (b)(2) of this section and no later than 15 days before the close of the 60-day comment period. The meeting must be held to the extent practicable in the vicinity of the permitted facility.

Part 10. The Hazardous Waste Permit Program (con't.)

References
40 CFR 270.42 (con't.)

(5) The public shall be provided 60 days to comment on the modification request. The comment period will begin on the date the permittee publishes the notice in the local newspaper. Comments should be submitted to the Agency contact identified in the public notice.

(6) (iv) (A) Unless the Director acts to give final approval or denial of the request by the end of the authorization period, the permittee will receive authorization to conduct such activities for the life of the permit.

(B) If the owner/operator fails to notify the public by the date specified in paragraph (b)(6)(iv)(A) of this section, the effective date of the permanent authorization will be deferred until 50 days after the owner/operator notifies the public.

(c) Class 3 modifications.

(1) For Class 3 modifications listed in Appendix I of this section, the permittee must submit a modification request to the Director that:

(i) Describes the exact change to be made to the permit conditions and supporting documents referenced by the permit.

(ii) Identifies that the modification is a Class 3 modification.

(iii) Explains why the modification is needed.

(iv) Provides the applicable information required by 40 CFR 270.13 through 270.22, 270.62, 270.63, and 270.66.

(2) The permittee must send a notice of the modification request to all persons on the facility mailing list maintained by the Director and to the appropriate units of State and local government as specified in 40 CFR 124.10(c)(ix) and must publish this notice in a major local newspaper of general circulation. This notice must be mailed and published within seven days before or after the date of submission of the modification request, and the permittee must provide to the Director evidence of the mailing and publication. The notice must include:

Part 10. The Hazardous Waste Permit Program (con't.)

References
40 CFR 270.42 (con't.)

(i) Announcement of a 60-day comment period, and a name and address of an Agency contact to whom comments must be sent.

(ii) Announcement of the date, time, and place for a public meeting on the modification request, in accordance with 40 CFR 270.42(c)(4).

(iii) Name and telephone number of the permittee's contact person.

(iv) Name and telephone number of an Agency contact person.

(v) Location where copies of the modification request and any supporting documents can be viewed and copied.

(vi) The following statement: "The permittee's compliance history during the life of the permit being modified is available from the Agency contact person."

(3) The permittee must place a copy of the permit modification request and supporting documents in a location accessible to the public in the vicinity of the permitted facility.

(4) The permittee must hold a public meeting no earlier than 15 days after the publication of the notice required in paragraph (c)(2)of this section and no later than 15 days before the close of the 60-day comment period. The meeting must be held to the extent practicable in the vicinity of the permitted facility.

(5) The public shall be provided at least 60 days to comment on the modification request. The comment period will begin on the date the permittee publishes the notice in the local newspaper. Comments should be submitted to the Agency contact identified in the notice.

(6) After the conclusion of the 60-day comment period, the Director must grant or deny the permit modification request according to the permit modification procedures of 40 CFR Part 124. In addition, the Director must consider and respond to all significant written comments received during the 60-day comment period.

Part 10. The Hazardous Waste Permit Program (con't.)

References
40 CFR 270.42 (con't.)

(d) Other modifications.

(1) In the case of modifications not explicitly listed in Appendix I of this section, the permittee may submit a Class 3 modification request to the Agency, or he or she may request a determination by the Director that the modification should be reviewed and approved as a Class 1 or Class 2 modification. If the permittee requests that the modification be classified as a Class I or 2 modification, he or she must provide the Agency with the necessary information to support the requested classification.

(e) Temporary authorizations.

(1) Upon request of the permittee, the Director may, without prior public notice and comment, grant the permittee a temporary authorization in accordance with this subsection. Temporary authorizations must have a term of not more than 180 days.

(2) (i) The permittee may request a temporary authorization for:

(A) Any Class 2 modification meeting the criteria in paragraph (e)(3)(ii) of this section.

(B) Any Class 3 modification that meets the criteria in paragraph (3)(ii)(A) or (B) of this section; or that meets the criteria in paragraphs (3)(ii)(C) through (E) of this section and provides improved management or treatment of a hazardous waste already listed in the facility permit.

(ii) The temporary authorization request must include:

(A) A description of the activities to be conducted under the temporary authorization.

(B) An explanation of why the temporary authorization is necessary.

(C) Sufficient information to ensure compliance with 40 CFR Part 264 standards.

(iii) The permittee must send a notice about the temporary authorization request to all persons on the facility mailing list maintained by the Director and to appropriate units of State and local governments as specified in

Part 10. The Hazardous Waste Permit Program (con't.)

References
40 CFR 270.42 (con't.)

40 CFR 124.10(c)(ix). This notification must be made within seven days of submission of the authorization request.

(g) Newly regulated wastes and units.

(1) The permittee is authorized to continue to manage wastes listed or identified as hazardous under Part 261 of this chapter, or to continue to manage hazardous waste in units newly regulated as hazardous waste management units, if:

(i) The unit was in existence as a hazardous waste facility with respect to the newly listed or characterized waste or newly regulated waste management unit on the effective date of the final rule listing or identifying the waste, or regulating the unit.

(ii) The permittee submits a Class I modification request on or before the date on which the waste or unit becomes subject to the new requirements.

(iii) The permittee is in compliance with the applicable standards of 40 CFR Parts 265 and 266 of this chapter.

(iv) The permittee also submits a complete Class 2 or 3 modification request within 180 days of the effective date of the rule listing or identifying the waste, or subjecting the unit to RCRA Subtitle C management standards.

(v) In the case of land disposal units, the permittee certifies that each such unit is in compliance with all applicable requirements of Part 265 of this chapter for groundwater monitoring and financial responsibility on the date 12 months after the effective date of the rule identifying or listing the waste as hazardous, or regulating the unit as a hazardous waste management unit. If the owner or operator fails to certify compliance with all these requirements, he or she will lose authority to operate under this section.

(2) New wastes or units added to a facility's permit under this subsection do not constitute expansions for the purpose of the 25 percent capacity expansion limit for Class 2 modifications.

Table 6
Resource Conservation and Recovery Act

Part 11. Standards for the Management of Used Oil

Authorizations
RCRA Sections 3001-3007

References
40 CFR 279.21

Standards for Used Oil Processors and Re-refiners - Notification

(a) Identification numbers. Used oil processors and re-refiners who have not previously complied with the notification requirements of RCRA Section 3010 must comply with these requirements and obtain an EPA identification number.

(b) Mechanics of notification. A used oil processor or re-refiner who has not received an EPA identification number may obtain one by notifying the Regional Administrator of their used oil activity by submitting either:

(1) A completed EPA Form 8700-12 (To obtain EPA Form 8700-12 call RCRA/Superfund Hotline at 1-800-424-9346 or 703-920-9810); or

(2) A letter requesting an EPA identification number. Call RCRA/Superfund Hotline to determine where to send a letter requesting an EPA identification number. The letter should include the following information:

(i) Processor or re-refiner company name.

(ii) Owner of the processor or re-refiner company.

(iii) Mailing address for the processor or re-refiner.

(iv) Name and telephone number for the processor or re-refiner point of contact.

(v) Type of used oil activity (i.e., process only, process and re-refine).

(vi) Location of the processor or re-refiner facility.

References
40 CFR 279.52

Standards for Used Oil Processors and Re-refiners - General Facility Standards

(b) Contingency plans and emergency procedures. Owners and operators of used oil processing and re-refiners facilities must comply with the following requirements:

(6) Emergency procedures.

Part 11. Standards for the Management of Used Oil (con't.)

References
40 CFR 279.52 (con't.)

(i) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or the designee when the emergency coordinator is on call) must immediately:

(A) Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel.

(B) Notify appropriate State or local agencies with designated response roles if their help is needed.

(ii) Whenever there is a release, fire, or explosion, the emergency coordinator must immediately identify the character, exact source, amount, and areal extent of any released materials. He may do this by observation or review of facility records of manifests and, if necessary, by chemical analysis.

(iii) Concurrently, the emergency coordinator must assess possible hazards to human health or the environment that may result from the release, fire, or explosion. This assessment must consider both direct and indirect effects of the release, fire, or explosion (e.g., the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water run-offs from water or chemical agents used to control fire and heat-induced explosions).

(iv) If the emergency coordinator determines that the facility has had a release, fire, or explosion which could threaten human health, or the environment, outside the facility, he must report his findings as follows:

(A) If his assessment indicated that evacuation of local areas may be advisable, he must immediately notify appropriate local authorities. He must be available to help appropriate officials decide whether local areas should be evacuated.

(B) He must immediately notify either the government official designated as the on-scene coordinator for the geographical area (in the applicable regional contingency plan under 40 CFR Part 1510), or the National Response Center (using their 24-hour toll free number 800/424-8802). The report must include:

(1.) Name and telephone number of reporter.

(2.) Name and address of facility.

Part 11. Standards for the Management of Used Oil (con't.)

References
40 CFR 279.52 (con't.)

(3.) Time and type of incident (e.g., release, fire).

(4.) Name and quantity of material(s) involved, to the extent known.

(5.) The extent of injuries, if any.

(6.) The possible hazards to human health, or the environment, outside the facility.

(viii) The emergency coordinator must ensure that, in the affected area(s) of the facility:

(A) No waste or used oil that may be incompatible with the released material is recycled, treated, stored, or disposed of until cleanup procedures are completed.

(B) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.

(C) The owner or operator must notify the Regional Administrator and appropriate State and local authorities that the facility is in compliance with paragraphs (b)(6)(viii)(A) and (B) of this section before operations are resumed in the affected area(s) of the facility.

(ix) The owner or operator must note in the operating record the time, date, and details of any incident that requires implementing the contingency plan. Within 15 days after the incident, he must submit a written report on the incident to the Regional Administrator. The report must include:

(A) Name, address, and telephone number of the owner or operator.

(B) Name, address, and telephone number of the facility.

(C) Date, time, and type of incident (e.g., fire, explosion).

(D) Name and quantity of material(s) involved.

Part 11. Standards for the Management of Used Oil (con't.)

References 40 CFR 279.52 (con't.)	(E) The extent of injuries, if any. (F) An assessment of actual or potential hazards to human health or the environment, where this is applicable. (G) Estimated quantity and disposition of recovered material that resulted from the incident.
References 40 CFR 279.57	**Standards for Used Oil Burners Who Burn Off-Specification Used Oil for Energy Recovery - Operating Record and Reporting** (b) Reporting. A used oil processor/re-refiner must report to the Regional Administrator, in the form of a letter, on a biennial basis (by March 1 of each even numbered year), the following information concerning used oil activities during the previous calendar year: (1) The EPA identification number, name, and address of the processor/re-refiner. (2) The calendar year covered by the report. (3) The quantities of used oil accepted for processing/re-refining and the manner in which the used oil is processed/re-refined, including the specific processes employed.
References 40 CFR 279.62	**Standards for Used Oil Burners Who Burn Off-Specification Used Oil for Energy Recovery - Notification** (a) Identification numbers. Used oil burners which have not previously complied with the notification requirements of RCRA Section 3010 must comply with these requirements and obtain an EPA identification number. (b) Mechanics of notification. A used oil burner who has not received an EPA identification number may obtain one by notifying the Regional Administrator of their used oil activity by submitting either: (1) A completed EPA Form 8700-12 (to obtain EPA Form 8700-12 call RCRA/Superfund Hotline at 1-800-424-9346 or 703-920-9810), or

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Resource Conservation and Recovery Act

Part 11. Standards for the Management of Used Oil (con't.)

References
40 CFR 279.62 (con't.)

(2) A letter requesting an EPA identification number. Call the RCRA/Superfund Hotline to determine where to send a letter requesting an EPA identification number. The letter should include the following information:

(i) Burner company name.

(ii) Owner of the burner company.

(iii) Mailing address for the burner.

(iv) Name and telephone number for the burner point of contact.

(v) Type of used oil activity.

(vi) Location of the burner facility.

References
40 CFR 279.66

Standards for Used Oil Burners Who Burn Off-Specification Used Oil for Energy Recovery - Notices

(a) Certification. Before a burner accepts the first shipment of off-specification used oil fuel from a generator, transporter, or processor/re-refiner, the burner must provide to the generator, transporter, or processor/re-refiner a one-time written and signed notice certifying that:

(1) The burner has notified EPA stating the location and general description of his used oil management activities.

(2) The burner will burn the used oil only in an industrial furnace or boiler identified in 40 CFR 279.61(a).

(b) Certification retention. The certification described in paragraph (a) of this section must be maintained for three years from the date the burner last receives shipment of off-specification used oil from that generator, transporter, or processor/re-refiner.

Part 12. Underground Storage Tanks

Authorizations
RCRA Section 9002, 9003, 9005

References
40 CFR 280.22

UST Systems: Design, Construction, Installation, and Notification - Notification Requirements

(a) Any owner who brings an underground storage tank system into use after May 8, 1986, must within 30 days of bringing such tank into use, submit, in the form prescribed in Appendix I of {40 CFR Part 280}, a notice of existence of such tank system to the state or local agency or department designated in Appendix II of {40 CFR Part 280} to receive such notice.

Note: Owners and operators of UST systems that were in the ground on or after May 8, 1986, unless taken out of operation on or before January 1, 1974, were required to notify the designated state or local agency in accordance with the Hazardous and Solid Waste Amendments of 1984, Pub. L. 98-616, on a form published by EPA on November 8, 1985 (50 FR 46602) unless notice was given pursuant to section 103(c) of CERCLA. Owners and operators who have not complied with the notification requirements may use portions I through VI of the notification form contained in Appendix I of {40 CFR Part 280}.

(b) In states where state law, regulations, or procedures require owners to use forms that differ from those set forth in Appendix I of {40 CFR Part 280} to fulfill the requirements of this section, the state forms may be submitted in lieu of the forms set forth in Appendix I of {40 CFR Part 280}. If a state requires that its form be used in lieu of the form presented in this regulation, such form must meet the requirements of Section 9002 of RCRA.

(c) Owners required to submit notices under paragraph (a) of this section must provide notices to the appropriate agencies or departments identified in Appendix II of {40 CFR Part 280} for each tank they own. Owners may provide notice for several tanks using one notification form, but owners who own tanks located at more than one place of operation must file a separate notification form for each separate place of operation.

(d) Notices required to be submitted under paragraph (a) of this section must provide all of the information in Sections I through VI of the prescribed form (or appropriate state form) for each tank for which notice must be given. Notices for tanks installed after December 22, 1988 must also provide all of the information in section VII of the prescribed form (or appropriate state form) for each tank for which notice must be given.

(e) All owners and operators of new UST systems must certify in the notification form compliance with the following requirements:

Part 12. Underground Storage Tanks (con't.)

References
40 CFR 280.22 (con't.)

(1) Installation of tanks and piping under 40 CFR 280.20(e).

(2) Cathodic protection of steel tanks and piping under 40 CFR 280.20(a) and (b).

(3) Financial responsibility under Subpart H of 40 CFR 280.22.

(4) Release detection under 40 CFR 280.41 and 280.42.

(f) All owners and operators of new UST systems must ensure that the installer certifies in the notification form that the methods used to install the tanks and piping complies with the requirements in 40 CFR 280.20(d).

(g) Since October 24, 1988, any person who sells a tank intended to be used as an underground storage tank must notify the purchaser of such tank of the owner's notification obligations under paragraph (a) of this section. The form provided in Appendix III of {40 CFR 280.22} may be used to comply with this requirement.

References
40 CFR 280.34

UST Systems: Design, Construction, Installation, and Notification - Reporting and Recordkeeping

Owners and operators of UST systems must cooperate fully with inspections, monitoring and testing conducted by the implementing agency, as well as requests for document submission, testing, and monitoring by the owner or operator pursuant to Section 9005 of Subtitle I of the Resource Conservation and Recovery Act, as amended.

(a) Reporting. Owners and operators must submit the following information to the implementing agency:

(1) Notification for all UST systems (40 CFR 280.22), which includes certification of installation for new UST systems (40 CFR 280.20(e)).

(2) Reports of all releases including suspected releases (40 CFR 280.50), spills and overfills (40 CFR 280.53), and confirmed releases (40 CFR 280.61).

(3) Corrective actions planned or taken including initial abatement measures (40 CFR 280.62), initial site characterization (40 CFR 280.63), free product removal (40 CFR 280.64), investigation of soil and ground-water cleanup (40 CFR 280.65), and corrective action plan (40 CFR 280.66).

Table 6
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Part 12. Underground Storage Tanks (con't.)

References
40 CFR 280.34 (con't.)

(4) A notification before permanent closure or change-in-service (40 CFR 280.71).

References
40 CFR 280.50

Release Reporting, Investigation, and Confirmation - Reporting of Suspected Releases

Owners and operators of UST systems must report to the implementing agency within 24 hours, or another reasonable time period specified by the implementing agency, and follow the procedures in 40 CFR 280.52 for any of the following conditions:

(a) The discovery by owners and operators or others of released regulated substances at the UST site or in the surrounding area (such as the presence of free product or vapors in soils, basements, sewer and utility lines, and nearby surface water).

(b) Unusual operating conditions observed by owners and operators (such as the erratic behavior of product dispensing equipment, the sudden loss of product from the UST system, or an unexplained presence of water in the tank), unless system equipment is found to be defective but not leaking, and is immediately repaired or replaced.

(c) Monitoring results from a release detection method required under 40 CFR 280.41 and 40 CFR 280.42 that indicate a release may have occurred unless:

(1) The monitoring device is found to be defective, and is immediately repaired, recalibrated or replaced, and additional monitoring does not confirm the initial result, or

(2) In the case of inventory control, a second month of data does not confirm the initial result.

References
40 CFR 280.53

Release Reporting, Investigation, and Confirmation - Reporting and Cleanup of Spills and Overfills

(a) Owners and operators of UST systems must contain and immediately clean up a spill or overfill and report to the implementing agency within 24 hours, or another reasonable time period specified by the implementing agency, and begin corrective action in accordance with Subpart F in the following cases:

(1) Spill or overfill of petroleum that results in a release to the environment that exceeds 25 gallons or another reasonable amount specified by the implementing agency, or that causes a sheen on nearby surface water.

Part 12. Underground Storage Tanks (con't.)

References
40 CFR 280.53 (con't.)

(2) Spill or overfill of a hazardous substance that results in a release to the environment that equals or exceeds its reportable quantity under CERCLA (40 CFR Part 302).

(b) Owners and operators of UST systems must contain and immediately clean up a spill or overfill of petroleum that is less than 25 gallons or another reasonable amount specified by the implementing agency, and a spill or overfill of a hazardous substance that is less than the reportable quantity. If cleanup cannot be accomplished within 24 hours, or another reasonable time period established by the implementing agency, owners and operators must immediately notify the implementing agency.

Note: Pursuant to 40 CFR 302.6 and 355.40, a release of a hazardous substance equal to or in excess of its reportable quantity must also be reported immediately (rather than within 24 hours) to the National Response Center under Sections 102 and 103 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 and to appropriate state and local authorities under Title III of the Superfund Amendments and Reauthorization Act of 1986.

References
40 CFR 280.60

Release Response and Corrective Action for UST Systems Containing Petroleum or Hazardous Substances - General

Owners and operators of petroleum or hazardous substance UST systems must, in response to a confirmed release from the UST system, comply with the requirements of {40 CFR 280.60} except for USTs excluded under 40 CFR 280.10(b) and UST systems subject to RCRA Subtitle C corrective action requirements under Section 3004(u) of the Resource Conservation and Recovery Act, as amended.

References
40 CFR 280.61

Release Response and Corrective Action for UST Systems Containing Petroleum or Hazardous Substances - Initial Response

Upon confirmation of a release in accordance with 40 CFR 280.52 or after a release from the UST system is identified in any other manner, owners and operators must perform the following initial response actions within 24 hours of a release or within another reasonable period of time determined by the implementing agency:

(a) Report the release to the implementing agency (e.g., by telephone or electronic mail);

Table 6
Resource Conservation and Recovery Act

Part 12. Underground Storage Tanks (con't.)

References
40 CFR 280.62

Release Response and Corrective Action for UST Systems Containing Petroleum or Hazardous Substances - Initial Abatement Measures and Site Check

(a) Unless directed to do otherwise by the implementing agency, owners and operators must perform the following abatement measures:

(1) Remove as much of the regulated substance from the UST system as is necessary to prevent further release to the environment.

(2) Visually inspect any aboveground releases or exposed below ground releases and prevent further migration of the released substance into surrounding soils and ground water.

(3) Continue to monitor and mitigate any additional fire and safety hazards posed by vapors or free product that have migrated from the UST excavation zone and entered into subsurface structures (such as sewers or basements).

(4) Remedy hazards posed by contaminated soils that are excavated or exposed as a result of release confirmation, site investigation, abatement, or corrective action activities. If these remedies include treatment or disposal of soils, the owner and operator must comply with applicable State and local requirements.

(5) Measure for the presence of a release where contamination is most likely to be present at the UST site, unless the presence and source of the release have been confirmed in accordance with the site check required by 40 CFR 280.52(b) or the closure site assessment of 40 CFR 280.72(a). In selecting sample types, sample locations, and measurement methods, the owner and operator must consider the nature of the stored substance, the type of backfill, depth to ground water, and other factors as appropriate for identifying the presence and source of the release.

(6) Investigate to determine the possible presence of free product, and begin free product removal as soon as practicable and in accordance with 40 CFR 280.64.

(b) Within 20 days after release confirmation, or within another reasonable period of time determined by the implementing agency, owners and operators must submit a report to the implementing agency summarizing the initial abatement steps taken under paragraph (a) of this section and any resulting information or data.

Table 6
Resource Conservation and Recovery Act

Part 12. Underground Storage Tanks (con't.)

References
40 CFR 280.64

Release Response and Corrective Action for UST Systems Containing Petroleum or Hazardous Substances - Free Product Removal

(d) Unless directed to do otherwise by the implementing agency, prepare and submit to the implementing agency, within 45 days after confirming a release, a free product removal report that provides at least the following information:

(1) The name of the person(s) responsible for implementing the free product removal measures.

(2) The estimated quantity, type, and thickness of free product observed or measured in wells, boreholes, and excavations.

(3) The type of free product recovery system used.

(4) Whether any discharge will take place on-site or off-site during the recovery operation and where this discharge will be located.

(5) The type of treatment applied to, and the effluent quality expected from, any discharge.

(6) The steps that have been or are being taken to obtain necessary permits for any discharge.

(7) The disposition of the recovered free product.

References
40 CFR 280.66

Release Response and Corrective Action for UST Systems Containing Petroleum or Hazardous Substances - Corrective Action Plan

(c) Upon approval of the corrective action plan or as directed by the implementing agency, owners and operators must implement the plan, including modifications to the plan made by the implementing agency. They must monitor, evaluate, and report the results of implementing the plan in accordance with a schedule and in a format established by the implementing agency.

(d) Owners and operators may, in the interest of minimizing environmental contamination and promoting more effective cleanup, begin cleanup of soil and ground water before the corrective action plan is approved provided that they:

Part 12. Underground Storage Tanks (con't.)

References
40 CFR 280.66 (con't.)

(1) Notify the implementing agency of their intention to begin cleanup.

(2) Comply with any conditions imposed by the implementing agency, including halting cleanup or mitigating adverse consequences from cleanup activities.

(3) Incorporate these self-initiated cleanup measures in the corrective action plan that is submitted to the implementing agency for approval.

References
40 CFR 280.71

Out-of-Service UST Systems and Closure - Permanent Closure and Changes-in-Service

(a) At least 30 days before beginning either permanent closure or a change-in-service under paragraphs (b) and (c) of 40 CFR 280.71, or within another reasonable time period determined by the implementing agency, owners and operators must notify the implementing agency of their intent to permanently close or make the change-in-service, unless such action is in response to corrective action. The required assessment of the excavation zone under 40 CFR 280.72 must be performed after notifying the implementing agency but before completion of the permanent closure or a change-in-service.

Chapter 7. The Safe Drinking Water Act

Purpose and Organization

In 1974 Congress enacted the Safe Drinking Water Act (SDWA) to manage potential contamination threats to groundwater. The Act instructed the Environmental Protection Agency (EPA) to establish a national program to prevent underground injection of contaminated fluids that would endanger drinking water sources. Primary drinking water standards promulgated under the SDWA apply to drinking water "at the tap" as delivered by public water supply systems. As such, the standards apply directly to those DOE facilities that meet the definition of a public water supply system (e.g., the Oak Ridge DOE reservation is a public water supply system because it provides water to the City of Oak Ridge).

Of equal significance to DOE is that the drinking water standards are used to determine groundwater protection regulations under a number of other statutes [e.g., the Resource Conservation and Recovery Act (RCRA)]. Therefore, many of the SDWA requirements apply to DOE activities, especially storage and disposal of materials containing radionuclides, inorganic chemicals, organic chemicals, and hazardous wastes, and cleanup of contaminated sites.

Section 1447 of the SDWA states that each federal agency having jurisdiction over a federally owned or maintained public water system must comply with all federal, state, and local requirements; administrative authorities; and processes and sanctions regarding the provision of safe drinking water. Sections 1412, 1414, and 1445(a) of the SDWA authorize drinking water regulations and specific operating procedures for public water systems.

Public water systems, as defined in 40 CFR Part 141.2, provide piped water for human consumption and have at least 15 connections or regularly serve at least 25 people. Public water systems are either:

- community water systems - public water systems that serve at least 15 connections used by year-round residents or regularly serve at least 25 year-round residents;
- non-transient non-community water systems - public water systems that are not community water systems but that regularly serve at least the same 25 people for six months per year (e.g., work places and hospitals); or
- non-community water systems - all other water systems (e.g., campgrounds and gas stations).

States have primary enforcement authority of the SDWA, although if not properly enforced, the EPA will do so. The federal government provides funds to assist in state enforcement of the Act. In certain circumstances states may consider cost, benefits, alternatives, public interest, and the protection of human health and the environment in granting variances and exemptions from the national regulations. For example, many of the regulations affecting groundwater provide for exemptions, variances, or alternate concentration limits. Thus, if DOE believes that direct application of a drinking water standard for groundwater protection is not justified on the basis of expected risk to the public at a specific site, DOE may request an exemption, variance, or alternate concentration limit.

National Primary Drinking Water Regulations

The SDWA requires the EPA to establish National Primary Drinking Water Regulations (NPDWRs) for contaminants which may cause adverse public health effects. The regulations include both mandatory levels [Maximum Contaminant Levels (MCLs)] and nonenforceable health goals [Maximum Contaminant Level Goals (MCLGs)] for each included contaminant. MCLGs have extra significance because they can be used under the *Comprehensive Environmental Response, Compensation, and Liability Act* (CERCLA) as amended by the *Superfund Amendments and Reauthorization Act* (SARA) as applicable or relevant and appropriate requirements (ARARs) in National Priority List cleanups.

The 1986 SDWA amendments required EPA to apply future NPDWRs to both community and non-transient non-community water systems when it evaluated and revised current regulations. The first case in which this was applied was the final rule on July 8, 1987 (52 *FR* 25690). At that time NPDWRs were promulgated for certain volatile synthetic organic chemicals (VOCs) and applied to non-transient non-community water systems as

well as community water systems. This rulemaking also clarified that non-transient non-community water systems were not subject to MCLs which were promulgated prior to July 8, 1987.

Future NPDWR standards will apply to non-transient non-community water systems because of concern for the long-term exposure of a stable population. It is important to note that EPA's decision to apply future NPDWRs to non-transient non-community water systems may have a significant impact on those DOE facilities that operate their own drinking water systems.

Underground Injection Control

Another provision of the SDWA established programs to prevent contamination of underground sources of drinking water by underground injection of contaminated fluids. Statutorily mandated prohibitions on the underground injection of hazardous wastes were promulgated on July 26, 1988 (53 *FR* 28118). This action was taken in response to the Hazardous and Solid Waste Amendments of 1984 (HSWA) to RCRA. The final rule amended existing Underground Injection Control (UIC) regulations as they pertained to hazardous waste injection and codified at 40 CFR Part 148 the applicable sections of 40 CFR Part 268, EPA's regulatory framework for implementing the land disposal restrictions.

Classification of Wells

According to 40 CFR 144.6, "injection wells are classified as follows:

(a) *Class I.*
  (1) Wells used by generators of hazardous waste or owners or operators of hazardous waste management facilities to inject hazardous waste beneath the lowermost formation containing, within one-quarter mile of the well bore, an underground source of drinking water.
  (2) Other industrial and municipal disposal wells which inject fluids beneath the lowermost formation containing, within one quarter mile of the well bore, an underground source of drinking water.

(b) *Class II.* Wells which inject fluids:
  (1) Which are brought to the surface in connection with natural gas storage operations, or conventional oil or natural gas production and may be commingled with waste waters from gas plants which are an integral part of production operations, unless those waters are classified as a hazardous waste at the time of injection.
  (2) For enhanced recovery of oil or natural gas; and
  (3) For storage of hydrocarbons which are liquid at standard temperature and pressure.

(c) *Class III.* Wells which inject for extraction of minerals including:
  (1) Mining of sulfur by the Frasch process;
  (2) In situ production of uranium or other metals; this category includes only in-situ production from ore bodies which have not been conventionally mined. Solution mining of conventional mines such as stopes leaching is included in Class V.
  (3) Solution mining of salts or potash.

(d) *Class IV.*
  (1) Wells used by generators of hazardous waste or of radioactive waste, by owners or operators of hazardous waste management facilities, or by owners or operators of radioactive waste disposal sites to dispose of hazardous waste or radioactive waste into a formation which within one-quarter (1/4) mile of the well contains an underground source of drinking water.
  (2) Wells used by generators of hazardous waste or of radioactive waste, by owners or operators of hazardous waste management facilities, or by owners or operators of radioactive waste disposal sites to dispose of hazardous waste or radioactive waste above a formation which within one quarter (1/4) mile of the well contains an underground source of drinking water.
  (3) Wells used by generators of hazardous waste or owners or operators of hazardous waste management facilities to dispose of hazardous waste, which cannot be classified under paragraph (a)(1) or (d)(1) and (2) of this section (e.g., wells used to dispose of hazardous waste into or above a formation which contains an aquifer which has been exempted pursuant to CFR 146.04).

(e) *Class V.* Injection wells not included in Classes I, II, III, or IV."

Notification and Reporting Requirements

The following reporting requirements apply under the SDWA:

- A supplier of water must report the failure to comply with any national primary drinking water regulations.
- All water systems shall report information to the state concerning the results of lead and copper samples.
- The owner or operator of hazardous waste facilities, and all generators of hazardous waste, who use any class of well to inject hazardous waste,s must comply with specific notification and reporting requirements.

Note: In this chapter, "Director" means the Regional EPA Administrator, the State Director (of an approved program), or the Tribal Director (of an approved program), as the context requires, or an authorized representative. When there is no approved State or Tribal program, and there is an EPA-administrated program, "Director" means the Regional EPA Administrator; when there is an approved State or Tribal program, "Director" normally means the State or Tribal Director.

Figure 7 guides the user to the various SDWA notification and reporting requirements conveyed in this chapter that are relevant to a DOE facility or situation.

Figure 7: Safe Drinking Water Act

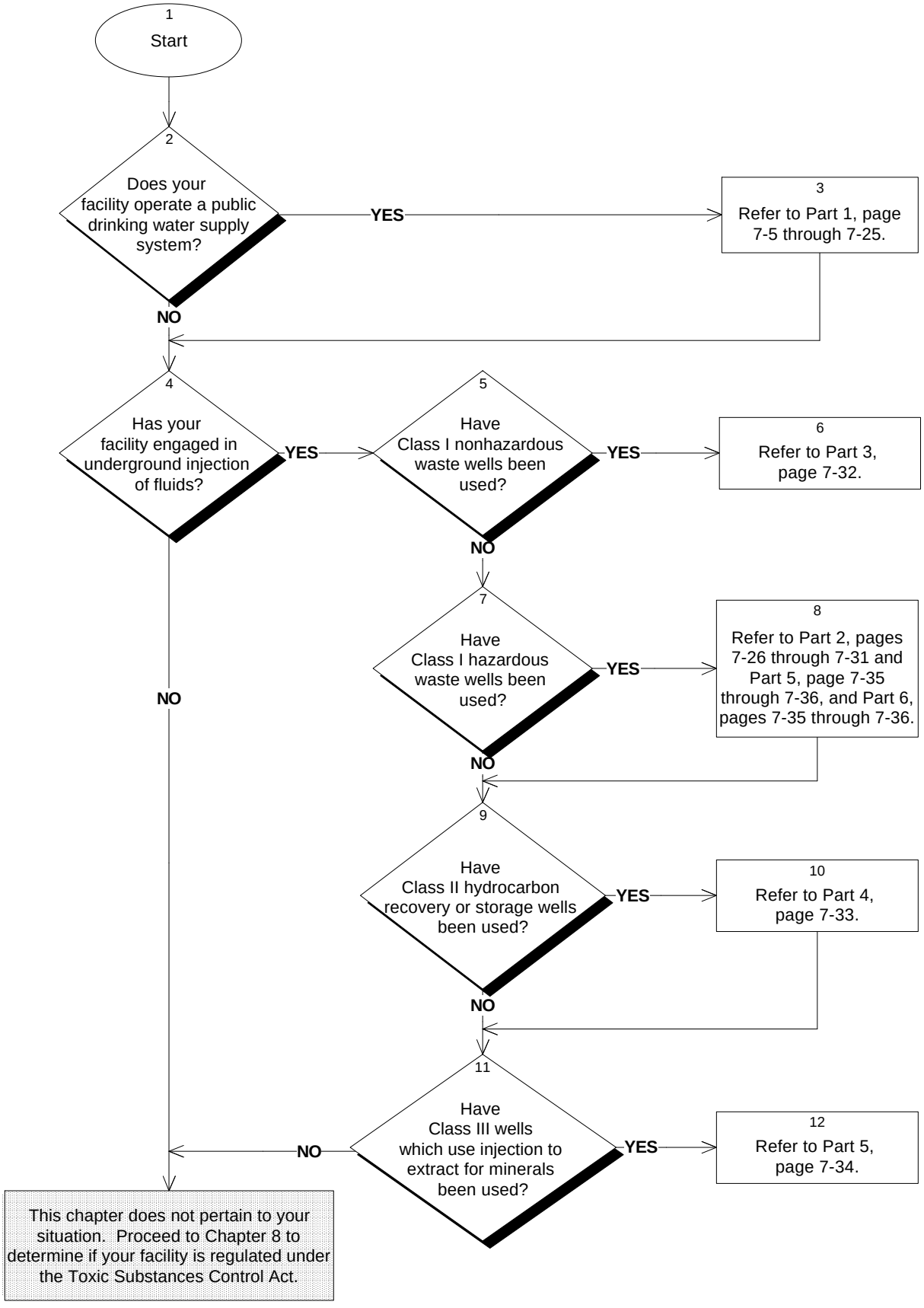

Table 7
Safe Drinking Water Act

Part 1. National Primary Drinking Water Regulations

Authorizations
SDWA Section 1412

References
40 CFR 141.21

Coliform Sampling

(e) Fecal coliforms/Escherichia coli (E. coli) testing.

(1) If any routine or repeat sample is total coliform-positive, the system must analyze that total coliform-positive culture medium to determine if fecal coliforms are present, except that the system may test for E. coli in lieu of fecal coliforms. If fecal coliforms or E. coli are present, the system must notify the State by the end of the day when the system is notified of the test result, unless the system is notified of the result after the State office is closed, in which case the system must notify the State before the end of the next business day.

(2) The State has the discretion to allow a public water system, on a case-by-case basis, to forgo fecal coliform or E. coli testing on a total coliform-positive sample if that system assumes that the total coliform-positive sample is fecal coliform-positive or E. coli-positive. Accordingly, the system must notify the State as specified in paragraph (e)(1) of this section and the provisions of 40 CFR 141.63(b) apply.

(g) Response to violation.

(1) A public water system which has exceeded the Maximum Contaminant Level (MCL) for total coliforms in 40 CFR 141.63 must report the violation to the State no later than the end of the next business day after it learns of the violation, and notify the public in accordance with 40 CFR 141.32.

(2) A public water system which has failed to comply with a coliform monitoring requirement, including the sanitary survey requirement, must report the monitoring violation to the State within ten days after the system discovers the violation, and notify the public in accordance with 40 CFR 141.32.

References
40 CFR 141.22

Turbidity Sampling and Analytical Requirements

(b) If the result of a turbidity analysis indicates that the maximum allowable limit has been exceeded, the sampling and measurement shall be confirmed by resampling as soon as practicable and preferably within one hour. If the repeat sample confirms that the maximum allowable limit has been exceeded, the supplier of water shall report to the State within 48 hours. The repeat sample shall be the sample used for the purpose of calculating the monthly average. If the monthly average of the daily samples exceeds the maximum allowable limit, or if the average of two samples taken on

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Part 1. National Primary Drinking Water Regulations (con't.)

References
40 CFR 141.22 (con't.)

consecutive days exceeds 5 TU, the supplier of water shall report to the State and notify the public as directed in 40 CFR 141.31 and 141.32.

Inorganic chemical sampling and analytical requirements

Community water systems shall conduct monitoring to determine compliance with the maximum contaminant levels specified in 40 CFR 141.62. Non-transient, non-community water systems shall conduct monitoring to determine compliance with the maximum contaminant levels specified in 40 CFR 141.62 in accordance with this section. Transient, non-community water systems shall conduct monitoring to determine compliance with the nitrate and nitrite maximum contaminant levels in 40 CFR 141.11 and 40 CFR 141.62 (as appropriate) in accordance with this section.

(a) (4) (iii) If duplicates of the original sample taken from each sampling point used in the composite are available, the system may use these instead of resampling. The duplicates must be analyzed and the results reported to the State within 14 days of collection.

(f) (2) Where nitrate or nitrite sampling results indicate an exceedance of the maximum contaminant level, the system shall take a confirmation sample within 24 hours of the system's receipt of notification of the analytical results of the first sample. Systems unable to comply with the 24-hour sampling requirement must immediately notify the consumers served by the area served by the public water system in accordance with 40 CFR 141.32. Systems exercising this option must take and analyze a confirmation sample within two weeks of notification of the analytical results of the first sample.

(i) Compliance with 40 CFR 141.11 or 141.62(b) (as appropriate) shall be determined based on the analytical result(s) obtained at each sampling point.

(4) If a public water system has a distribution system separable from other parts of the distribution system with no interconnections, the State may allow the system to give public notice to only the area served by that portion of the system which is out of compliance.

(m) If the result of an analysis made under paragraph (l) of {40 CFR 141.22} indicates that the level of any contaminant listed in 40 CFR 141.11 exceeds the maximum contaminant level, the supplier of the water shall report to the State within 7 days and initiate three additional analyses at the same sampling point within one month.

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Safe Drinking Water Act

Part 1. National Primary Drinking Water Regulations (con't.)

References
40 CFR 141.22 (con't.)

(n) When the average of four analyses made pursuant to paragraph (m) of this section, rounded to the same number of significant figures as the maximum contaminant level for the substance in question, exceeds the maximum contaminant level, the supplier of water shall notify the State pursuant to 40 CFR 141.31 and give notice to the public pursuant to 40 CFR 141.32. Monitoring after public notification shall be at a frequency designated by the State and shall continue until the maximum contaminant level has not been exceeded in two successive samples or until a monitoring schedule as a condition to a variance, exemption, or enforcement action shall become effective.

(o) The provisions of paragraphs (m) and (n) of this section notwithstanding, compliance with the maximum contaminant level for nitrate shall be determined on the basis of the mean of two analyses. When a level exceeding the maximum contaminant level for nitrate is found, a second analysis shall be initiated within 24 hours, and if the mean of the two analyses exceeds the maximum contaminant level, the supplier of water shall report his findings to the State pursuant to 40 CFR 141.31 and shall notify the public pursuant to 40 CFR 141.32.

References
40 CFR 141.31

Reporting Requirements

(a) Except where a shorter period is specified in this part, the supplier of water shall report to the State the results of any test measurement or analysis required by this part within

(1) The first ten days following the month in which the result is received, or

(2) The first ten days following the end of the required monitoring period as stipulated by the State, whichever of these is shortest.

(b) Except where a different reporting period is specified in this part, the supplier of water must report to the State within 48 hours the failure to comply with any national primary drinking water regulation (including failure to comply with monitoring requirements) set forth in 40 CFR Part 141.

(c) The supplier of water is not required to report analytical results to the State in cases where a State laboratory performs the analysis and reports the results to the State office which would normally receive such notification from the supplier.

Table 7
Safe Drinking Water Act

Part 1. National Primary Drinking Water Regulations (con't.)

References
40 CFR 141.31 (con't.)

(d) The water supply system, within ten days of completion of each public notification required pursuant to 40 CFR 141.32, shall submit to the State a representative copy of each type of notice distributed, published, posted, and/or made available to the persons served by the system and/or to the media.

References
40 CFR 141.32

Public Notification

(a) Maximum contaminant level (MCL), treatment technique, and variance and exemption schedule violations. The owner or operator of a public water system which fails to comply with an applicable MCL or treatment technique established by this part or which fails to comply with the requirements of any schedule prescribed pursuant to a variance or exemption, shall notify persons served by the system as follows:

(1) Except as provided in paragraph (a)(3) of this section, the owner or operator of a public water system must give notice:

(i) By publication in a daily newspaper of general circulation in the area served by the system as soon as possible, but in no case later than 14 days after the violation or failure. If the area served by a public water system is not served by a daily newspaper of general circulation, notice shall instead be given by publication in a weekly newspaper of general circulation serving the area; and

(ii) By mail delivery (by direct mail or with the water bill), or by hand delivery, not later than 45 days after the violation or failure. The State may waive mail or hand delivery if it determines that the owner or operator of the public water system in violation has corrected the violation or failure within the 45-day period. The State must make the waiver in writing and within the 45-day period; and

(iii) For violations of the MCLs of contaminants that may pose an acute risk to human health, by furnishing a copy of the notice to the radio and television stations serving the area served by the public water system as soon as possible but in no case later than 72 hours after the violation. The following violations are acute violations:

(A) Any violations specified by the State as posing an acute risk to human health.

Table 7
Safe Drinking Water Act

Part 1. National Primary Drinking Water Regulations (con't.)

References
40 CFR 141.32 (con't.)

(B) Violation of the MCL for nitrate or nitrite as defined in 40 CFR 141.62 and determined according to 40 CFR 141.23(i)(3).

(C) Violation of the MCL for total coliforms, when fecal coliforms or E. coli are present in the water distribution system, as specified in 40 CFR 141.63(b).

(D) Occurrence of a waterborne disease outbreak, as defined in 40 CFR 141.2, in an unfiltered system subject to the requirements of subpart H of this part, after December 30, 1991 (see 40 CFR 141.71(b)(4)).

(2) Except as provided in paragraph (a)(3) of this section, following the initial notice given under paragraph (a)(1) of this section, the owner or operator of the public water system must give notice at least once every three months by mail delivery (by direct mail or with the water bill) or by hand delivery, for as long as the violation or failure exists.

(3) (i) In lieu of the requirements of paragraphs (a)(1) and (2) of this section, the owner or operator of a community water system in an area that is not served by a daily or weekly newspaper of general circulation must give notice by hand delivery or by continuous posting in conspicuous places within the area served by the system. Notice by hand delivery or posting must begin as soon as possible, but no later than 72 hours after the violation or failure for acute violations (as defined in paragraph (a)(1)(iii) of this section), or 14 days after the violation or failure (for any other violation). Posting must continue for as long as the violation or failure exists. Notice by hand delivery must be repeated at least every three months for as long as the violation or failure exists.

(ii) In lieu of the requirements of paragraphs (a)(1) and (2) of this section, the owner or operator of a non-community water system may give notice by hand delivery or by continuous posting in conspicuous places within the area served by the system. Notice by hand delivery or posting must begin as soon as possible, but no later than 72 hours after the violation or failure for acute violations (as defined in paragraph (a)(1)(iii) of this section), or 14 days after the violation or failure (for any other violation). Posting must continue for as long as the violation or failure exists. Notice by hand delivery must be repeated at least every three months for as long as the violation or failure exists.

Table 7
Safe Drinking Water Act

Part 1. National Primary Drinking Water Regulations (con't.)

References
40 CFR 141.32 (con't.)

(b) Other violations, variances, exemptions. The owner or operator of a public water system which fails to perform monitoring required by Section 1445(a) of the Act (including monitoring required by the National Primary Drinking Water Regulations (NPDWRs) of this part), fails to comply with a testing procedure established by this part, is subject to a variance granted under Section 1415(a)(1)(A) or 1415(a)(2) of the Act, or is subject to an exemption under Section 1416 of the Act, shall notify persons served by the system as follows:

(1) Except as provided in paragraph (b)(3) or (b)(4) of this section, the owner or operator of a public water system must give notice within three months of the violation or granting of a variance or exemption by publication in a daily newspaper of general circulation in the area served by the system. If the area served by a public water system is not served by a daily newspaper of general circulation, notice shall instead be given by publication in a weekly newspaper of general circulation serving the area.

(2) Except as provided in paragraph (b)(3) or (b)(4) of this section, following the initial notice given under paragraph (b)(1) of this section, the owner or operator of the public water system must give notice at least once every three months by mail delivery (by direct mail or with the water bill) or by hand delivery, for as long as the violation exists. Repeat notice of the existence of a variance or exemption must be given every three months for as long as the variance or exemption remains in effect.

(3) (i) In lieu of the requirements of paragraphs (b)(1) and (b)(2) of this section, the owner or operator of a community water system in an area that is not served by a daily or weekly newspaper of general circulation must give notice, within three months of the violation or granting of the variance or exemption, by hand delivery or by continuous posting in conspicuous places with the area served by the system. Posting must continue for as long as the violation exists or a variance or exemption remains in effect. Notice by hand delivery must be repeated at least every three months for as long as the violation exists or a variance or exemption remains in effect.

(ii) In lieu of the requirements of paragraphs (b)(1) and (b)(2) of this section, the owner or operator of a non-community water system may give notice, within three months of the violation or the granting of the variance or exemption, by hand delivery or by continuous posting in conspicuous places within the area served by the system. Posting must continue for as long as the violation exists, or a variance or exemption remains in effect. Notice by hand delivery must be repeated at least every three months for as long as the violation exists or a variance or exemption remains in effect.

Table 7
Safe Drinking Water Act

Part 1. National Primary Drinking Water Regulations (con't.)

References
40 CFR 141.32 (con't.)

(4) In lieu of the requirements of paragraphs (b)(1), (b)(2), and (b)(3) of this section, the owner or operator of a public water system, at the discretion of the State, may provide less frequent notice for minor monitoring violations as defined by the State, if EPA has approved the State's application for a program revision under 40 CFR 142.16. Notice of such violations must be given no less frequently than annually.

References
40 CFR 141.35

Reporting and Notification for Certain Unregulated Contaminants

(a) The requirements of this section only apply to the contaminants listed in 40 CFR 141.40:

☞ (Special monitoring for inorganic and organic contaminants.)

(e) Community water systems and non-transient, non-community water systems shall monitor for the following contaminants except as provided in paragraph (f) of this section: (1) Chloroform, (2) Bromodichloromethane, (3) Chlorodibromomethane, (4) Bromoform, (5) Dibromomethane, (6) m-Dichlorobenzene, (8) 1,1-Dichloropropene, (9) 1,1-Dichloroethane, (10) 1,1,2,2-Tetrachloroethane, (11) 1,3-Dichloropropane, (12) Chloromethane, (13) Bromomethane, (14) 1,2,3-Trichloropropane, (15) 1,1,1,2-Tetrachloroethane, (16) Chloroethane, (17) 2,2-Dichloropropane, (18) o-Chlorotoluene, (19) p-Chlorotoluene, (20) Bromobenzene, (21) 1,3-Dichloropropene.

(g) Analysis for the organic contaminants in paragraphs (e) and (j) of this section shall be conducted using the recommended EPA methods, or their equivalent as determined by EPA. These methods are contained in the reference at 40 CFR 141.24(f)(16).

(j) Monitoring for the following compounds is required at the discretion of the State: (1) 1,2,4-Trimethylbenzene, (2) 1,2,3-Trichlorobenzene, (3) n-Propylbenzene, (4) n-Butylbenzene, (5) Naphthalene, (6) Hexachlorobutadiene, (7) 1,3,5-Trimethylbenzene, (8) p-Isopropyltoluene, (9) Isopropylbenzene, (10) Tert-butylbenzene, (11) Sec-butylbenzene, (12) Fluorotrichloromethane, (13) Dichlorodifluoromethane, (14) Bromochloromethane.

(b) The owner or operator of a community water system or non-transient, non-community water system who is required to monitor under 40 CFR 141.40 shall send a copy of the results of such monitoring within 30 days of receipt and any public notice under paragraph (d) of this section to the State.

Table 7
Safe Drinking Water Act

Part 1. National Primary Drinking Water Regulations (con't.)

References
40 CFR 141.35 (con't.)

(c) The State, or the community water system or non-transient, non-community water system if the State has not adopted regulations equivalent to 40 CFR 141.40, shall furnish the following information to the Administrator for each sample analyzed under 40 CFR 141.40:

(1) Results of all analytical methods, including negatives.

(2) Name and address of the system that supplied the sample.

(3) Contaminant(s).

(4) Analytical method(s) used.

(5) Date of sample.

(6) Date of analysis.

(d) The owner or operator shall notify persons served by the system of the availability of the results of sampling conducted under 40 CFR 141.40 by including a notice in the first set of water bills issued by the system after the receipt of the results or written notice within three months. The notice shall identify a person and supply the telephone number to contact for information on the monitoring results. For surface water systems, public notification is required only after the first quarter's monitoring and must include a statement that additional monitoring will be conducted for three more quarters with the results available upon request.

References
40 CFR 141.40

Special Monitoring for Sodium

(b) The supplier of water shall report to EPA and/or the State the results of the analyses for sodium within the first 10 days of the month following the month in which the sample results were received or within the first 10 days following the end of the required monitoring period as stipulated by the State, whichever of these is first. If more than annual sampling is required the supplier shall report the average sodium concentration within 10 days of the month following the month in which the analytical results of the last sample used for the annual average was received. The supplier of water shall not be required to report the results to EPA where the State has adopted this regulation and results are reported to the State. The supplier shall report the results to EPA where the State has not adopted this regulation.

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Safe Drinking Water Act

Part 1. National Primary Drinking Water Regulations (con't.)

References
40 CFR 141.40 (con't.)

(c) The supplier of water shall notify appropriate local and State public health officials of the sodium levels by written notice by direct mail within three months. A copy of each notice required to be provided by this paragraph shall be sent to EPA and/or the State within 10 days of its issuance. The supplier of water is not required to notify appropriate local and State public health officials of the sodium levels where the State provides such notices in lieu of the supplier.

References
40 CFR 141.42

Special Monitoring for Corrosivity Characteristics

(b) The supplier of water shall report to EPA and/or the State the results of the analyses for the corrosivity characteristics within the first 10 days of the month following the month in which the sample results were received. If more frequent sampling is required by the State, the supplier can accumulate the data and shall report each value within 10 days of the month following the month in which the analytical results of the last sample was received. The supplier of water shall not be required to report the results to EPA where the State has adopted this regulation and results are reported to the State.

References
40 CFR 141.75

Reporting and Recordkeeping Requirements

(a) A public water system that uses a surface water source and does not provide filtration treatment must report monthly to the State the information specified in this paragraph (a) beginning December 31, 1990, unless the State has determined that filtration is required in writing pursuant to section 1412(b)(7)(C)(iii), in which case the State may specify alternative reporting requirements, as appropriate, until filtration is in place. A public water system that uses a ground water source under the direct influence of surface water and does not provide filtration treatment must report monthly to the State the information specified in this paragraph (a) beginning December 31, 1990, or 6 months after the State determines that the ground water source is under the direct influence of surface water, whichever is later, unless the State has determined that filtration is required in writing pursuant to 40 CFR 1412(b)(7)(C)(iii), in which case the State may specify alternative reporting requirements, as appropriate, until filtration is in place.

(1) Source water quality information must be reported to the State within 10 days after the end of each month the system serves water to the public. Information that must be reported includes:

(i) The cumulative number of months for which results are reported.

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Part 1. National Primary Drinking Water Regulations (con't.)

References
40 CFR 141.75 (con't.)

(ii) The number of fecal and/or total coliform samples, whichever are analyzed during the month (if a system monitors for both, only fecal coliforms must be reported), the dates of sample collection, and the dates when the turbidity level exceeded 1 NTU.

(iii) The number of samples during the month that had equal to or less than 20/100 ml fecal coliforms and/or equal to or less than 100/100 ml total coliforms, whichever are analyzed.

(iv) The cumulative number of fecal or total coliform samples, whichever are analyzed, during the previous six months the system served water to the public.

(v) The cumulative number of samples that had equal to or less than 20/100 ml fecal coliforms or equal to or less than 100/100 ml total coliforms, whichever are analyzed, during the previous six months the system served water to the public.

(vi) The percentage of samples that had equal to or less than 20/100 ml fecal coliforms or equal to or less than 100/100 ml total coliforms, whichever are analyzed, during the previous six months the system served water to the public.

(vii) The maximum turbidity level measured during the month, the date(s) of occurrence for any measurement(s) which exceeded 5 NTU, and the date(s) the occurrence(s) was reported to the State.

(viii) For the first 12 months of recordkeeping, the dates and cumulative number of events during which the turbidity exceeded 5 NTU, and after one year of recordkeeping for turbidity measurements, the dates and cumulative number of events during which the turbidity exceeded 5 NTU in the previous 12 months the system served water to the public.

(ix) For the first 120 months of recordkeeping, the dates and cumulative number of events during which the turbidity exceeded 5 NTU, and after 10 years of recordkeeping for turbidity measurements, the dates and cumulative number of events during which the turbidity exceeded 5 NTU in the previous 120 months the system served water to the public.

Table 7
Safe Drinking Water Act

Part 1. National Primary Drinking Water Regulations (con't.)

References
40 CFR 141.75 (con't.)

(2) Disinfection information specified in 40 CFR 141.74(b) must be reported to the State within 10 days after the end of each month the system serves water to the public. Information that must be reported includes:

(i) For each day, the lowest measurement of residual disinfectant concentration in mg/l in water entering the distribution system.

(ii) The date and duration of each period when the residual disinfectant concentration in water entering the distribution system fell below 0.2 mg/l and when the State was notified of the occurrence.

(iii) The daily residual disinfectant concentration(s) (in mg/l) and disinfectant contact time(s) (in minutes) used for calculating the CT value(s).

(iv) If chlorine is used, the daily measurement(s) of pH of disinfected water following each point of chlorine disinfection.

(v) The daily measurement(s) of water temperature in °C following each point of disinfection.

(vi) The daily CTcalc and CTcalc/$CT_{99.9}$ values for each disinfectant measurement or sequence and the sum of all CTcalc/$CT_{99.9}$ values ((CTcalc/$CT_{99.9}$)) before or at the first customer.

(vii) The daily determination of whether disinfection achieves adequate Giardia cyst and virus inactivation, i.e., whether (CTcalc/$CT_{99.9}$) is at least 1.0 or, where disinfectants other than chlorine are used, other indicator conditions that the State determines are appropriate, are met.

(viii) The following information on the samples taken in the distribution system in conjunction with total coliform monitoring pursuant to 40 CFR 141.72:

(A) Number of instances where the residual disinfectant concentration is measured.

(B) Number of instances where the residual disinfectant concentration is not measured but heterotrophic bacteria plate count (HPC) is measured.

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References
40 CFR 141.75 (con't.)

(C) Number of instances where the residual disinfectant concentration is measured but not detected and no HPC is measured.

(D) Number of instances where the residual disinfectant concentration is detected and where HPC is >500/ml.

(E) Number of instances where the residual disinfectant concentration is not measured and HPC is >500/ml.

(F) For the current and previous month the system served water to the public, the value of "V" in the following formula:

$$V = \frac{c + d + e}{a + b} \times 100$$

where

a = the value in paragraph (a)(2)(viii)(A) of this section,
b = the value in paragraph (a)(2)(viii)(B) of this section,
c = the value in paragraph (a)(2)(viii)(C) of this section,
d = the value in paragraph (a)(2)(viii)(D) of this section, and
e = the value in paragraph (a)(2)(viii)(E) of this section.

(G) If the State determines, based on site-specific considerations, that a system has no means for having a sample transported and analyzed for HPC by a certified laboratory under the requisite time and temperature conditions specified by 40 CFR 141.74(a)(3) and that the system is providing adequate disinfection in the distribution system, the requirements of paragraph (a)(2)(viii)(A)-(F) of this section do not apply to that system.

(ix) A system need not report the data listed in paragraphs (a)(2)(i), and (iii)-(vi) of this section if all data listed in paragraphs (a)(2)(i)-(viii) of this section remain on file at the system, and the State determines that:

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References
40 CFR 141.75 (con't.)

(A) The system has submitted to the State all the information required by paragraphs (a)(2)(i)-(viii) of this section for at least 12 months.

(B) The State has determined that the system is not required to provide filtration treatment.

(3) No later than ten days after the end of each Federal fiscal year (September 30), each system must provide to the State a report which summarizes its compliance with all watershed control program requirements specified in 40 CFR 141.71(b)(2).

(4) No later than ten days after the end of each Federal fiscal year (September 30), each system must provide to the State a report on the on-site inspection conducted during that year pursuant to 40 CFR 141.71(b)(3), unless the on-site inspection was conducted by the State. If the inspection was conducted by the State, the State must provide a copy of its report to the public water system.

(5) (i) Each system, upon discovering that a waterborne disease outbreak potentially attributable to that water system has occurred, must report that occurrence to the State as soon as possible, but no later than by the end of the next business day.

(ii) If at any time the turbidity exceeds 5 NTU, the system must inform the State as soon as possible, but no later than the end of the next business day.

(iii) If at any time the residual falls below 0.2 mg/l in the water entering the distribution system, the system must notify the State as soon as possible, but no later than by the end of the next business day. The system also must notify the State by the end of the next business day whether or not the residual was restored to at least 0.2 mg/l within 4 hours.

(b) A public water system that uses a surface water source or a ground water source under the direct influence of surface water and provides filtration treatment must report monthly to the State the information specified in this paragraph (b) beginning June 29, 1993, or when filtration is installed, whichever is later.

(1) Turbidity measurements as required by 40 CFR 141.74(c)(1) must be reported within 10 days after the end of each month the system serves water to the public. Information that must be reported includes:

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References
40 CFR 141.75 (con't.)

(i) The total number of filtered water turbidity measurements taken during the month.

(ii) The number and percentage of filtered water turbidity measurements taken during the month which are less than or equal to the turbidity limits specified in 40 CFR 141.73 for the filtration technology being used.

(iii) The date and value of any turbidity measurements taken during the month which exceed 5 NTU.

(2) Disinfection information specified in 40 CFR 141.74(c) must be reported to the State within 10 days after the end of each month the system serves water to the public. Information that must be reported includes:

(i) For each day, the lowest measurement of residual disinfectant concentration in mg/l in water entering the distribution system.

(ii) The date and duration of each period when the residual disinfectant concentration in water entering the distribution system fell below 0.2 mg/l and when the State was notified of the occurrence.

(iii) The following information on the samples taken in the distribution system in conjunction with total coliform monitoring pursuant to 40 CFR 141.72:

(A) Number of instances where the residual disinfectant concentration is measured.

(B) Number of instances where the residual disinfectant concentration is not measured but heterotrophic bacteria plate count (HPC) is measured.

(C) Number of instances where the residual disinfectant concentration is measured but not detected and no HPC is measured.

(D) Number of instances where no residual disinfectant concentration is detected and where HPC is >500/ml.

(E) Number of instances where the residual disinfectant concentration is not measured and HPC is >500/ml.

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40 CFR 141.75 (con't.)

(F) For the current and previous month the system serves water to the public, the value of "V" in the following formula:

$$V = \frac{c + d + e}{a + b} \times 100$$

where

a = the value in paragraph (b)(2)(iii)(A) of this section,
b = the value in paragraph (b)(2)(iii)(B) of this section,
c = the value in paragraph (b)(2)(iii)(C) of this section,
d = the value in paragraph (b)(2)(iii)(D) of this section, and
e = the value in paragraph (b)(2)(iii)(E) of this section.

(iii) (G) If the State determines, based on site-specific considerations, that a system has no means for having a sample transported and analyzed for HPC by a certified laboratory within the requisite time and temperature conditions specified by 40 CFR 141.74(a)(3) and that the system is providing adequate disinfection in the distribution system, the requirements of paragraph (b)(2)(iii)(A)-(F) of this section do not apply.

(iv) A system need not report the data listed in paragraph (b)(2)(i) of this section if all data listed in paragraphs (b)(2)(i)-(iii) of this section remain on file at the system and the State determines that the system has submitted all the information required by paragraphs (b)(2)(i)-(iii) of this section for at least 12 months.

(3) (i) Each system, upon discovering that a waterborne disease outbreak potentially attributable to that water system has occurred, must report that occurrence to the State as soon as possible, but no later than by the end of the next business day.

(ii) If at any time the turbidity exceeds 5 NTU, the system must inform the State as soon as possible, but no later than the end of the next business day.

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References
40 CFR 141.75 (con't.)

(iii) If at any time the residual falls below 0.2 mg/l in the water entering the distribution system, the system must notify the State as soon as possible, but no later than by the end of the next business day. The system also must notify the State by the end of the next business day whether or not the residual was restored to at least 0.2 mg/l within 4 hours.

References
40 CFR 141.84

Lead Service Line Replacements Requirements

(d) A water system shall replace the entire service line (up to the building inlet) unless it demonstrates to the satisfaction of the State under paragraph (e) of this section that it controls less than the entire service line. In such cases, the system shall replace the portion of the line which the State determines is under the system's control. The system shall notify the user served by the line that the system will replace the portion of the service line under its control and shall offer to replace the building owner's portion of the line, but is not required to bear the cost of replacing the building owner's portion of the line. For buildings where only a portion of the lead service line is replaced, the water system shall inform the resident(s) that the system will collect a first flush tap water sample after partial replacement of the service line is completed if the resident(s) so desire. In cases where the resident(s) accept the offer, the system shall collect the sample and report the results to the resident(s) within 14 days following partial lead service line replacement.

(e) A water system is presumed to control the entire lead service line (up to the building inlet) unless the system demonstrates to the satisfaction of the State, in a letter submitted under 40 CFR 141.90(e)(4), that it does not have any of the following forms of control over the entire line (as defined by state statutes, municipal ordinances, public service contracts or other applicable legal authority): authority to set standards for construction, repair, or maintenance of the line; authority to replace, repair, or maintain the service line; or ownership of the service line. The State shall review the information supplied by the system and determine whether the system controls less than the entire service line and, in such cases, shall determine the extent of the system's control. The State's determination shall be in writing and explain the basis for its decision.

(h) To demonstrate compliance with paragraphs (a) through (d) of this section, a system shall report to the State the information specified in 40 CFR 141.90(e).

References
40 CFR 141.90

All water systems shall report all of the following information to the State in accordance with this section.

(a) Reporting requirements for tap water monitoring for lead and copper and for water quality parameter monitoring:

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References
40 CFR 141.90 (con't.)

(1) A water system shall report the information specified below for all tap water samples within the first 10 days following the end of each applicable monitoring period specified in 40 CFR 141.86 and 40 CFR 141.87 and 40 CFR 141.88 (i.e., every six-months, annually, or every 3 years):

(i) The results of all tap samples for lead and copper including the location of each site and the criteria under 40 CFR 141.86(a)(3), (4), (5), (6), and/or (7) under which the site was selected for the system's sampling pool.

(ii) A certification that each first draw sample collected by the water system is one-liter in volume and, to the best of their knowledge, has stood motionless in the service line, or in the interior plumbing of a sampling site, for at least six hours.

(iii) Where residents collected samples, a certification that each tap sample collected by the residents was taken after the water system informed them of proper sampling procedures specified in 40 CFR 141.86(b)(2).

(iv) The 90th percentile lead and copper concentrations measured from among all lead and copper tap water samples collected during each monitoring period (calculated in accordance with 40 CFR 141.80(c)(3)).

(v) With the exception of initial tap sampling conducted pursuant to 40 CFR 141.86(d)(1), the system shall designate any site which was not sampled during previous monitoring periods, and include an explanation of why sampling sites have changed.

(vi) The results of all tap samples for pH, and where applicable, alkalinity, calcium, conductivity, temperature, and orthophosphate or silica collected under 40 CFR 141.87(b)-(e).

(vii) The results of all samples collected at the entry point(s) to the distribution system for applicable water quality parameters under 40 CFR 141.87(b)-(e).

(2) By the applicable date in 40 CFR 141.86(d)(1) for commencement of monitoring, each community water system which does not complete its targeted sampling pool with tier 1 sampling sites meeting the criteria in 40 CFR 141.86(a)(3) shall send a letter to the State justifying its selection of tier 2 and/or tier 3 sampling sites under 40 CFR 141.86 (a)(4) and/or (a)(5).

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References
40 CFR 141.90 (con't.)

(3) By the applicable date in 40 CFR 141.86(d)(1) for commencement of monitoring, each non-transient, non-community water system which does not complete its sampling pool with tier 1 sampling sites meeting the criteria in 40 CFR 141.86(a)(6) shall send a letter to the State justifying its selection of sampling sites under 40 CFR 141.86(a)(7).

(4) By the applicable date in 40 CFR 141.86(d)(1) for commencement of monitoring, each water system with lead service lines that is not able to locate the number of sites served by such lines required under 40 CFR 141.86(a)(9) shall send a letter to the State demonstrating why it was unable to locate a sufficient number of such sites based upon the information listed in 40 CFR 141.86(a)(2).

(5) Each water system that requests that the State reduce the number and frequency of sampling shall provide the information required under 40 CFR 141.86(d)(4).

(b) Source water monitoring reporting requirements:

(1) A water system shall report the sampling results for all source water samples collected in accordance with 40 CFR 141.88 within the first 10 days following the end of each source water monitoring period (i.e., annually, per compliance period, per compliance cycle) specified in 40 CFR 141.88.

(2) With the exception of the first round of source water sampling conducted pursuant to 40 CFR 141.88(b), the system shall specify any site which was not sampled during previous monitoring periods, and include an explanation of why the sampling point has changed.

(c) Corrosion control treatment reporting requirements. By the applicable dates under 40 CFR 141.81, systems shall report the following information:

(1) For systems demonstrating that they have already optimized corrosion control, information required in 40 CFR 141.81(b)(2) or (3).

(2) For systems required to optimize corrosion control, their recommendation regarding optimal corrosion control treatment under 40 CFR 141.82(a).

References
40 CFR 141.90 (con't.)

(3) For systems required to evaluate the effectiveness of corrosion control treatments under 40 CFR 141.82(c), the information required by that paragraph.

(4) For systems required to install optimal corrosion control designated by the State under 40 CFR 141.82(d), a letter certifying that the system has completed installing that treatment.

(d) Source water treatment reporting requirements. By the applicable dates in 40 CFR 141.83, systems shall provide the following information to the State:

(1) If required under 40 CFR 141.83(b)(1), their recommendation regarding source water treatment.

(2) For systems required to install source water treatment under 40 CFR 141.83(b)(2), a letter certifying that the system has completed installing the treatment designated by the State within 24 months after the State designated the treatment.

(e) Lead service line replacement reporting requirements. Systems shall report the following information to the State to demonstrate compliance with the requirements of 40 CFR 141.84:

(1) Within 12 months after a system exceeds the lead action level in sampling referred to in 40 CFR 141.84(a), the system shall demonstrate in writing to the State that it has conducted a material evaluation, including the evaluation in 40 CFR 141.86(a), to identify the initial number of lead service lines in its distribution system, and shall provide the State with the system's schedule for replacing annually at least 7 percent of the initial number of lead service lines in its distribution system.

(2) Within 12 months after a system exceeds the lead action level in sampling referred to in 40 CFR 141.84(a), and every 12 months thereafter, the system shall demonstrate to the State in writing that the system has either:

(i) Replaced in the previous 12 months at least 7 percent of the initial lead service lines (or a greater number of lines specified by the State under 40 CFR 141.84(f)) in its distribution system, or

(ii) Conducted sampling which demonstrates that the lead concentration in all service line samples from an individual line(s), taken pursuant to 40 CFR 141.86(b)(3), is less than or equal to 0.015 mg/L. In such cases,

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References
40 CFR 141.90 (con't.)

the total number of lines replaced and/or which meet the criteria in 40 CFR 141.84(c) shall equal at least 7 percent of the initial number of lead lines identified under paragraph (a) of this section (or the percentage specified by the State under 40 CFR 141.84(f)).

(3) The annual letter submitted to the State under paragraph (e)(2) of this section shall contain the following information:

(i) The number of lead service lines scheduled to be replaced during the previous year of the system's replacement schedule.

(ii) The number and location of each lead service line replaced during the previous year of the system's replacement schedule.

(iii) If measured, the water lead concentration and location of each lead service line sampled, the sampling method, and the date of sampling.

(4) As soon as practicable, but in no case later than three months after a system exceeds the lead action level in sampling referred to in 40 CFR 141.84(a), any system seeking to rebut the presumption that it has control over the entire lead service line pursuant to 40 CFR 141.84(d) shall submit a letter to the State describing the legal authority (e.g., state statutes, municipal ordinances, public service contracts, or other applicable legal authority) which limits the system's control over the service lines and the extent of the system's control.

(f) Public education program reporting requirements. By December 31st of each year, any water system that is subject to the public education requirements in 40 CFR 141.85 shall submit a letter to the State demonstrating that the system has delivered the public education materials that meet the content requirements in 40 CFR 141.85(a) and (b) and the delivery requirements in 40 CFR 141.85(c). This information shall include a list of all the newspapers, radio stations, television stations, facilities and organizations to which the system delivered public education materials during the previous year. The water system shall submit the letter required by this paragraph annually for as long as it exceeds the lead action level.

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References 40 CFR 141.90 (con't.)	(g) Reporting of additional monitoring data. Any system which collects sampling data in addition to that required by this subpart shall report the results to the State by the end of the applicable monitoring period under 40 CFR 141.86, 141.87 and 141.88 during which the samples are collected.

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Part 2. Underground Injection Control (UIC) Program - Requirements for Wells Injecting Hazardous Waste

References
SDWA 40 CFR 1424
40 CFR 144.14(a)

(a) Applicability. The regulations in this section apply to all generators of hazardous waste, and to the owners or operators of all hazardous waste management facilities, using any class of well to inject hazardous wastes accompanied by a manifest. (See also 40 CFR 144.13.)

(b) Authorization. The owner or operator of any well that is used to inject hazardous waste required to be accompanied by a manifest or delivery document shall apply for authorization to inject as specified in 40 CFR 144.31 within 6 months after the approval or promulgation of the State UIC program.

(c) Requirements. In addition to complying with the applicable requirements of this part and 40 CFR Part 146, the owner or operator of each facility meeting the requirements of paragraph (b) of this section, shall comply with the following:

(1) Notification. The owner or operator shall comply with the notification requirements of Section 3010 of Public Law 94-580.

(2) Identification number. The owner or operator shall comply with the requirements of 40 CFR 264.11.

(3) Manifest system. The owner or operator shall comply with the applicable recordkeeping and reporting requirements for manifested wastes in 40 CFR 264.71.

(4) Manifest discrepancies. The owner or operator shall comply with 40 CFR 264.72.

(5) Operating record. The owner or operator shall comply with 40 CFR 264.73(a), (b)(1), and (b)(2).

(6) Annual report. The owner or operator shall comply with 40 CFR 264.75.

(7) Unmanifested waste report. The owner or operator shall comply with 40 CFR 264.75.

(8) Personnel training. The owner or operator shall comply with the applicable personnel training requirements of 40 CFR 264.16.

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Part 2. Underground Injection Control (UIC) Program - Requirements for Wells Injecting Hazardous Waste (con't.)

References
40 CFR 144.14(a) (con't.)

(9) Certification of closure. When abandonment is completed, the owner or operator must submit to the Director certification by the owner or operator and certification by an independent registered professional engineer that the facility has been closed in accordance with the specifications in 40 CFR 144.52(a)(6).

References
40 CFR 144.38

Transfer of Permits

(a) Transfers by modification. Except as provided in paragraph (b) of this section, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued (under 40 CFR 144.39(b)(2)), or a minor modification made (under 40 CFR 144.41(d)), to identify the new permittee and incorporate such other requirements as may be necessary under the Safe Drinking Water Act.

(b) Automatic transfers. As an alternative to transfers under paragraph (a) of this section, any UIC permit for a well not injecting hazardous waste may be automatically transferred to a new permittee if:

(1) The current permittee notifies the director at least 30 days in advance of the proposed transfer date referred to in paragraph (b)(2) of this section.

(2) The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them, and the notice demonstrates that the financial responsibility requirements of 40 CFR 144.52(a)(7) will be met by the new permittee.

(3) The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify or revoke and reissue the permit. A modification under this paragraph may also be a minor modification under 40 CFR 144.41. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph (b)(2) of this section.

References
40 CFR 144.51

Conditions Applicable to all Permits

(l) Reporting requirements.

(1) Planned changes. The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility.

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Safe Drinking Water Act

Part 2. Underground Injection Control (UIC) Program - Requirements for Wells Injecting Hazardous Waste (con't.)

References
40 CFR 144.51 (con't.)

(2) Anticipated noncompliance. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

(3) Transfers. This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Safe Drinking Water Act. (See 40 CFR 144.38; in some cases, modification or revocation and reissuance is mandatory.)

(4) Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.

(5) Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 30 days following each schedule date.

(6) Twenty-four hour reporting. The permittee shall report any noncompliance which may endanger health or the environment, including:

(i) Any monitoring or other information which indicates that any contaminant may cause an endangerment to an {underground resource of drinking water} (USDW), or

(ii) Any noncompliance with a permit condition or malfunction of the injection system which may cause fluid migration into or between USDWs. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause, the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

Part 2. Underground Injection Control (UIC) Program - Requirements for Wells Injecting Hazardous Waste (con't.)

References
40 CFR 144.51 (con't.)

(7) Other noncompliance.

The permittee shall report all instances of noncompliance not reported under paragraphs (l)(4), (5), and (6) of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (l)(6) of this section.

(8) Other information.

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

(m) Requirements prior to commencing injection.

Except for all new wells authorized by an area permit under 40 CFR 144.33(c), a new injection well may not commence injection until construction is complete, and

(1) The permittee has submitted notice of completion of construction to the Director, and

(2) (i) The Director has inspected or otherwise reviewed the new injection well and finds it is in compliance with the conditions of the permit, or

(ii) The permittee has not received notice form the Director of his or her intent to inspect or otherwise review the new injection well within 13 days of the date of the notice in paragraph (m)(1) of this section, in which case prior inspection or review is waived and the permittee may commence injection. The Director shall include in his notice a reasonable time period in which he shall inspect the well.

(n) The permittee shall notify the Director at such times as the permit requires before conversion or abandonment of the well or in the case of area permits before closure of the project.

(o) A Class I, II or III permit shall include and a Class V permit may include, conditions which meet the applicable requirements of 40 CFR 146.10 of this chapter to insure that plugging and abandonment of the well will not allow the

References
40 CFR 144.51 (con't.)

movement of fluids into or between USDWs. Where the plan meets the requirements of 40 CFR 146.10 of this chapter, the Director shall incorporate it into the permit as a permit condition. Where the Director's review of an application indicates that the permittee's plan is inadequate, the Director may require the applicant to revise the plan, prescribe conditions meeting the requirements of this paragraph, or deny the permit. For purposes of this paragraph, temporary or intermittent cessation of injection operations is not abandonment.

(p) Plugging and abandonment report.

For EPA-administered programs, within 60 days after plugging a well or at the time of the next quarterly report (whichever is less) the owner or operator shall submit a report to the Regional Administrator. If the quarterly report is due less than 15 days before completion of plugging, then the report shall be submitted within 60 days. The report shall be certified as accurate by the person who performed the plugging operation. Such report shall consist of either:

(1) A statement that the well was plugged in accordance with the plan previously submitted to the Regional Administrator, or

(2) Where actual plugging differed from the plan previously submitted, and updated version of the plan on the form supplied by the regional administrator, specifying the differences.

References
40 CFR 144.52

Establishing Permit Conditions

(a) (5) Monitoring and reporting requirements as set forth in 40 CFR Part 146. The permittee shall be required to identify types of tests and methods used to generate the monitoring data. For EPA administered programs, monitoring of the nature of injected fluids shall comply with applicable analytical methods cited and described in table I of 40 CFR 136.3 or in appendix III of 40 CFR Part 261 or in certain circumstances by other methods that have been approved by the Regional Administrator.

(b) (1) In addition to conditions required in all permits, the Director shall establish conditions in permits as required on a case-by-case basis to provide for and assure compliance with all applicable requirements of the SDWA and Parts 144, 145, 146 and 124.

Part 2. Underground Injection Control (UIC) Program - Requirements for Wells Injecting Hazardous Waste (con't.)

References 40 CFR 144.52 (con't.)	(2) For a State issued permit, an applicable requirement is a State statutory or regulatory requirement which takes effect prior to final administrative disposition of the permit. For a permit issued by EPA, an applicable requirement is a statutory or regulatory requirement (including any interim final regulation) which takes effect prior to the issuance of the permit (except as provided in 40 CFR 124.86(c) for UIC permits being processed under Subpart E or F of Part 124). Section 124.14 (reopening of comment period) provides a means for reopening EPA permit proceedings at the discretion of the Director where new requirements become effective during the permitting process and are of sufficient magnitude to make additional proceedings desirable. For State and EPA administered programs, an applicable requirement is also any requirement which takes effect prior to the modification or revocation and reissuance of a permit, to the extent allowed in 40 CFR 144.39. (3) New or reissued permits, and to the extent allowed under 40 CFR 144.39 modified or revoked and reissued permits, shall incorporate each of the applicable requirements referenced in 40 CFR 144.52.

Authorizations
SDWA Section 1424

References
40 CFR 146.13

Reporting Requirements

(c) Reporting requirements. Reporting requirements shall, at a minimum, include:

(1) Quarterly reports to the Director on:

(i) The physical, chemical and other relevant characteristics of injection fluids.

(ii) Monthly average, maximum and minimum values for injection pressure, flow rate and volume, and annular pressure.

(iii) The results of monitoring prescribed under paragraph (b)(4) of {40 CFR 146.13}.

(2) Reporting the results, with the first quarterly report after the completion, of:

(i) Periodic tests of mechanical integrity.

(ii) Any other test of the injection well conducted by the permittee if required by the Director.

(iii) Any well work over.

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Part 4. Criteria and Standards Applicable to Class II Wells

Authorizations
SDWA Section 1424

References
40 CFR 146.23

Reporting Requirements

(1) Reporting requirements shall at a minimum include an annual report to the Director summarizing the results of monitoring required under paragraph (b) of this section. Such summary shall include monthly records of injected fluids, and any major changes in characteristics or sources of injected fluid. Previously submitted information may be included by reference.

(2) Owners or operators of hydrocarbon storage and enhanced recovery projects may report on a field or project basis rather than an individual well basis where manifold monitoring is used.

References
40 CFR 146.32

Construction Requirements

(b) Appropriate logs and other tests shall be conducted during the drilling and construction of new Class III wells. A descriptive report interpreting the results of such logs and tests shall be prepared by a knowledgeable log analyst and submitted to the Director. The logs and tests appropriate to each type of Class III well shall be determined based on the intended function, depth, construction and other characteristics of the well, availability of similar data in the area of the drilling site and the need for additional information that may arise from time to time as the construction of the well progresses. Deviation checks shall be conducted on all holes where pilot holes and reaming are used, unless the hole will be cased and cemented by circulating cement to the surface. Where deviation checks are necessary they shall be conducted at sufficiently frequent intervals to assure that vertical avenues for fluid migration in the form of diverging holes are not created during drilling.

Table 7
Safe Drinking Water Act

Part 5. Criteria and Standards Applicable to Class III Wells

Authorizations
SDWA Section 1424

References
40 CFR 146.33

Operating, Monitoring, and Reporting Requirements

(c) Reporting requirements. Reporting requirements shall, at a minimum, include:

(1) Quarterly reporting to the Director on required monitoring.

(2) Results of mechanical integrity and any other periodic test required by the Director reported with the first regular quarterly report after the completion of the test.

(3) Monitoring may be reported on a project or field basis rather than individual well basis where manifold monitoring is used.

Part 6. Criteria and Standards Applicable to Class I Hazardous Waste Injection Wells

Authorizations
SDWA Section 1424

References
40 CFR 146.67

Operating Requirements

(g) If an automatic alarm or shutdown is triggered, the owner or operator shall immediately investigate and identify as expeditiously as possible the cause of the alarm or shutoff. If, upon such investigation, the well appears to be lacking mechanical integrity, or if monitoring required under paragraph (f) of this section otherwise indicates that the well may be lacking mechanical integrity, the owner or operator shall:

(1) Cease injection of waste fluids unless authorized by the Director to continue or resume injection.

(2) Take all necessary steps to determine the presence or absence of a leak.

(3) Notify the Director within 24 hours after the alarm or shutdown.

(h) If a loss of mechanical integrity is discovered pursuant to paragraph (g) of this section or during periodic mechanical integrity testing, the owner or operator shall:

(1) Immediately cease injection of waste fluids.

(2) Take all steps reasonably necessary to determine whether there may have been a release of hazardous wastes or hazardous waste constituents into any unauthorized zone.

(3) Notify the Director within 24 hours after loss of mechanical integrity is discovered.

(4) Notify the Director when injection can be expected to resume.

(5) Restore and demonstrate mechanical integrity to the satisfaction of the Director prior to resuming injection of waste fluids.

(i) Whenever the owner or operator obtains evidence that there may have been a release of injected wastes into an unauthorized zone:

(1) The owner or operator shall immediately cease injection of waste fluids, and:

(i) Notify the Director within 24 hours of obtaining such evidence.

Part 6. Criteria and Standards Applicable to Class I Hazardous Waste Injection Wells (con't.)

References
40 CFR 146.67 (con't.)

(v) Where such release is into a USDW currently serving as a water supply, place a notice in a newspaper of general circulation.

(j) The owner or operator shall notify the Director and obtain his approval prior to conducting any well workover.

References
40 CFR 146.69

Reporting Requirements

Reporting requirements shall, at a minimum, include:

(a) Quarterly reports to the Director containing:

(1) The maximum injection pressure.

(2) A description of any event that exceeds operating parameters for annulus pressure or injection pressure as specified in the permit.

(3) A description of any event which triggers an alarm or shutdown device required pursuant to 40 CFR 146.67(f) and the response taken.

(4) The total volume of fluid injected.

(5) Any change in the annular fluid volume.

(6) The physical, chemical, and other relevant characteristics of injected fluids.

(7) The results of monitoring prescribed under 40 CFR 141.68.

(b) Reporting, within 30 days or with the next quarterly report whichever comes later, the results of:

(1) Periodic tests of mechanical integrity {and} any other test conducted by the permittee if required by the Director.

(2) Any well workover.

Chapter 8. The Toxic Substances Control Act

Purpose and Organization

Congress enacted the *Toxic Substances Control Act* (TSCA) in 1976, to become effective January 1, 1977. The Act authorizes the Environmental Protection Agency (EPA) to secure information on all new and existing chemical substances and to control any of those substances determined to cause an unreasonable risk to public health or the environment. Under earlier laws EPA had authority to control toxic substances only after damage occurred. The earlier laws did not require the screening of toxic substances before they entered the marketplace. TSCA closed the gap in the earlier laws by requiring that the health and environmental effects of all new chemicals be reviewed before they are manufactured for commercial purposes.

The sections of the Act most relevant to DOE deal with requirements for:

- The practice of good laboratory standards for conducting studies relating to health effects, environmental effects, and chemical fate testing. (Section 4)
- The regulation of certain chemicals such as polychlorinated biphenyls (PCBs) that may be used in DOE facilities or processes. (Section 6)
- The maintenance of long-term records on adverse reactions to health and environment alleged to have been caused by a substance or mixture. (Section 8)
- TSCA's major impact on DOE occurs through its regulation of PCBs. Other regulations restrict the availability of materials for purchase by DOE. Regulations important to DOE include the following from Title 40 of the *Code of Federal Regulations* (CFR).

40 CFR Part 717 - Records and Reports of Allegations that Chemical Substances Cause Significant Adverse Reactions to Health or the Environment.

- 40 CFR Part 761 - Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions.
- 40 CFR Part 792 - Good Laboratory Practice Standards.

Determinations regarding compliance with TSCA must be made on a case-by-case basis if a DOE activity involves the manufacture, processing, distribution in commerce, use, and/or disposal of a new or existing chemical substance or mixture that may present an unreasonable risk of injury to health or the environment.

By definition TSCA-regulated chemical substances and mixtures do not include "...any source material, special nuclear material, or byproduct material (as such terms are defined in the Atomic Energy Act of 1954 and regulations issued under such Act)..." [TSCA, Section 3(2)(B)(iv)]. Although TSCA excludes nuclear material, the TSCA-regulated portion of a mixed nuclear and regulated waste must comply with TSCA requirements.

The TSCA program is run by EPA and is not delegated to any state agency.

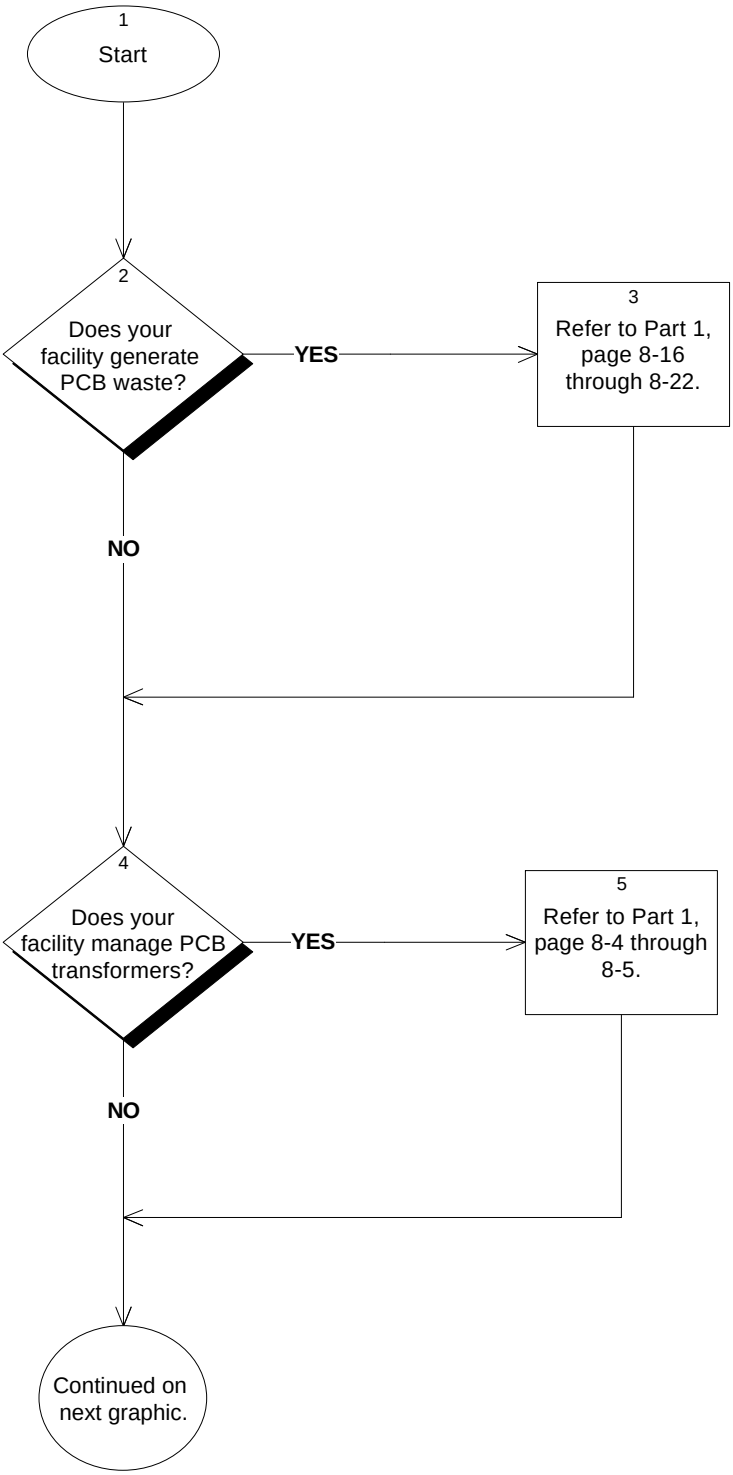
Recordkeeping and Reporting Requirements

The following reporting requirements apply under TSCA:

- If a PCB transformer is involved in a fire-related incident, the owner of the transformer must immediately report the incident to the NRC.
- Before any person burns mineral oil dielectric fluid in a boiler, that person must give written notice to the EPA Regional Administrator.
- With any spills of PCBs at specific concentrations, the responsible party must satisfy all reporting requirements under the Clean Water Act or the Comprehensive Environmental Response, Compensation, and Liability Act.

Figure 8 guides the user to the various TSCA reporting requirements conveyed in this chapter that are relevant to a DOE facility or situation.

Figure 8: Toxic Substances Control Act



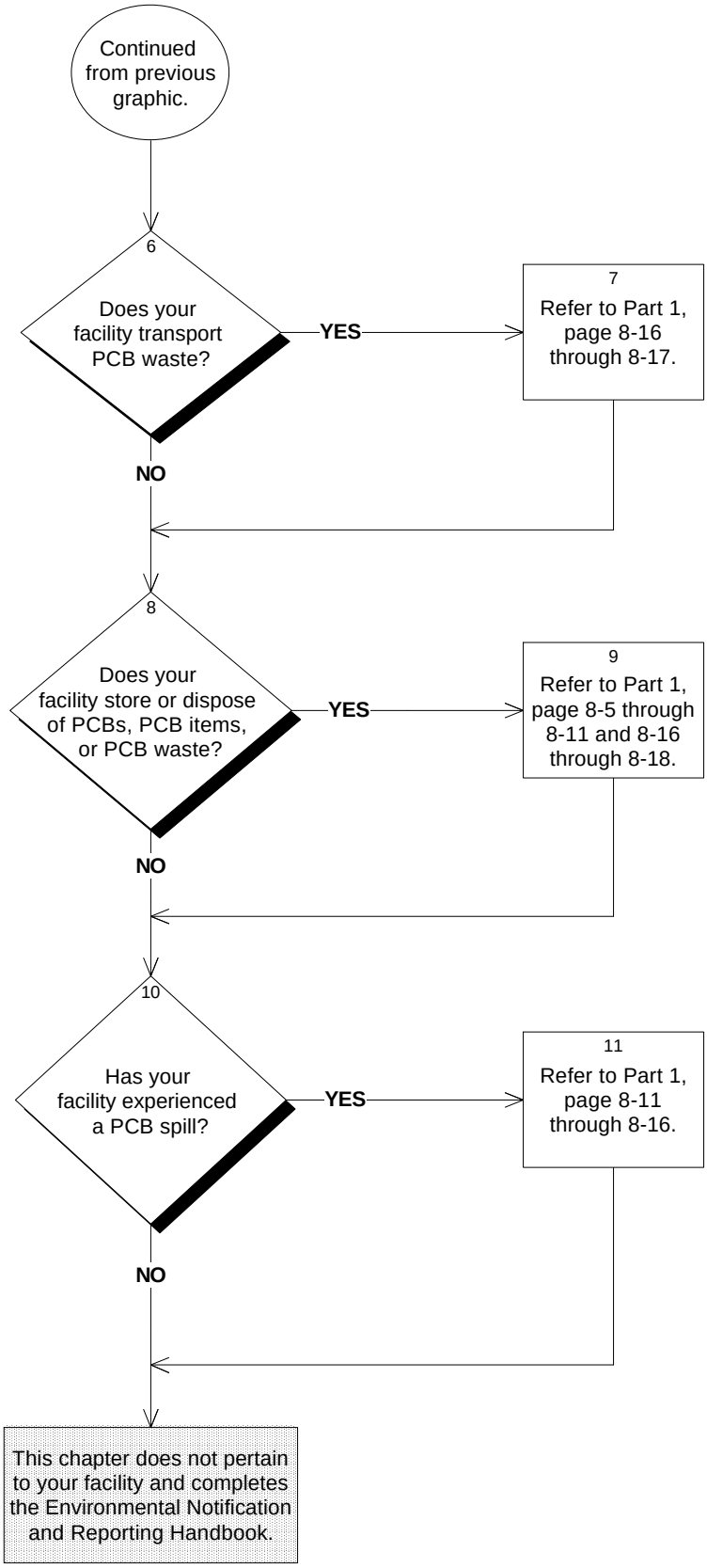

Continued from previous graphic.
6
Does your facility transport PCB waste?
YES
7
Refer to Part 1, page 8-16 through 8-17.
NO
8
Does your facility store or dispose of PCBs, PCB items, or PCB waste?
YES
9
Refer to Part 1, page 8-5 through 8-11 and 8-16 through 8-18.
NO
10
Has your facility experienced a PCB spill?
YES
11
Refer to Part 1, page 8-11 through 8-16.
NO
This chapter does not pertain to your facility and completes the Environmental Notification and Reporting Handbook.

Table 8
Toxic Substances Control Act

Part 1. Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions

Authorizations
Section 6(e)

References
40 CFR 761.30

Authorization

The following non-totally enclosed PCB activities are authorized pursuant to section 6(e)(2)(B) of TSCA:

(a) Use in and servicing of transformers (other than railroad transformers). PCBs at any concentration may be used in transformers (other than in railroad locomotives and self-propelled railroad cars) and may be used for purposes of servicing including rebuilding these transformers for the remainder of their useful lives, subject to the following conditions:

(1) (xi) If a PCB Transformer is involved in a fire-related incident, the owner of the transformer must immediately report the incident to the National Response Center (toll-free 1-800-424-8802; in Washington, DC 202-426-2675). A fire-related incident is defined as any incident involving a PCB Transformer which involves the generation of sufficient heat and/or pressure (by any source) to result in the violent or non-violent rupture of a PCB Transformer and the release of PCBs. Information must be provided regarding the type of PCB Transformer installation involved in the fire-related incident (e.g., high or low secondary voltage network transformer, high or low secondary voltage simple radial system, expanded radial system, primary selective system, primary loop system, or secondary selective system or other systems) and the readily ascertainable cause of the fire-related incident (e.g., high current fault in the primary or secondary or low current fault in secondary). The owner of the PCB Transformer must also take measures as soon as practically and safely possible to contain and control any potential releases of PCBs and incomplete combustion products into water. These measures include, but are not limited to:

(A) The blocking of all floor drains in the vicinity of the transformer.

(B) The containment of water runoff.

(C) The control and treatment (prior to release) of any water used in subsequent cleanup operations.

(xv) In the event a mineral oil transformer, assumed to contain less than 500 ppm of PCBs as provided in 40 CFR 761.3, is tested and found to be contaminated at 500 ppm or greater PCBs, it will be subject to all the requirements of 40 CFR Part 761. In addition, efforts must be initiated immediately to bring the transformer into compliance in accordance with the following schedule:

Table 8
Toxic Substances Control Act

Part 1. Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions (con't.)

References
40 CFR 761.30 (con't.)

(A) Report fire-related incidents, effective immediately after discovery.

(D) Register the PCB Transformer in writing with fire response personnel with primary jurisdiction and with the building owner, within 30 days of discovery.

References
40 CFR 761.60

Disposal Requirements

(a) (2) (iii) (B) Thirty days before any person burns mineral oil dielectric fluid in the boiler, the person gives written notice to the EPA Regional Administrator for the EPA Region in which the boiler is located and that the notice contains the following information:

(1.) The name and address of the owner or operator of the boiler and the address of the boiler.

(2.) The boiler rating in units of BTU/hour.

(3.) The carbon monoxide concentration and the excess oxygen percentage in the stack of the boiler when it is operated in a manner similar to the manner in which it will be operated when mineral oil dielectric fluid is burned.

(4.) The type of equipment, apparatus, and procedures to be used to control the feed of mineral oil dielectric fluid to the boiler and to monitor and record the carbon monoxide concentration and excess oxygen percentage in the stack.

(a) (3) (iii) (B) Prior to any person burning these liquids in the boiler, approval must be obtained from the EPA Regional Administrator for the EPA Region in which the boiler is located and any persons seeking such approval must submit to the EPA Regional Administrator a request containing at least the following information:

(1.) The name and address of the owner or operator of the boiler and the address of the boiler.

(2.) The boiler rating in units of BTU/hour.

Table 8
Toxic Substances Control Act

Part 1. Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions (con't.)

References
40 CFR 761.60 (con't.)

(3.) The carbon monoxide concentration and the excess oxygen percentage in the stack of the boiler when it is operated in a manner similar to the manner in which it will be operated when low concentration PCB liquid is burned.

(4.) The type of equipment, apparatus, and procedures to be used to control the feed of mineral oil dielectric fluid to the boiler and to monitor and record the carbon monoxide concentration and excess oxygen percentage in the stack.

(5.) The type of waste to be burned (e.g., hydraulic fluid, contaminated fuel oil, heat transfer fluid, etc.).

(6.) The concentration of PCBs and of any other chlorinated hydrocarbon in the waste and the results of analyses using the American Society of Testing and Materials (ASTM) methods as follows: Carbon and hydrogen content using ASTM D-3178-84, nitrogen content using ASTM E-258-67 (Reapproved 1987), sulfur content using ASTM D-2784-89, D-1266-87, or D-129-64, chlorine content using ASTM D-808-87, water and sediment content using either ASTM D-2709-88 or ASTM D-1796-83 (Reapproved 1990), ash content using D-482-87, calorific value using ASTM D-240-87, carbon residue using either ASTM D-2158-89 or D-524-88, and flash point using ASTM D-93-90.

(7.) The quantity of wastes estimated to be burned in a thirty (30) day period.

(8.) An explanation of the procedures to be followed to insure that burning the waste will not adversely affect the operation of the boiler such that combustion efficiency will decrease.

(f) (1) Each operator of a chemical waste landfill, incinerator, or alternative to incineration approved under paragraph (e) of this section shall give the following written notices to the state and local governments within whose jurisdiction the disposal facility is located:

(i) Notice at least thirty (30) days before a facility is first used for disposal of PCBs required by these regulations.

Table 8
Toxic Substances Control Act

Part 1. Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions (con't.)

References
40 CFR 761.60 (con't.)

(ii) At the request of any state or local government, annual notice of the quantities and general description of PCBs disposed of during the year. This annual notice shall be given no more than thirty (30) days after the end of the year covered.

(2) Any person who disposes of PCBs under a paragraph (a)(5)(iii) of this section incineration or chemical waste landfilling waiver shall give written notice at least thirty (30) days prior to conducting the disposal activities to the state and local governments within whose jurisdiction the disposal is to take place.

References
40 CFR 761.70

This section applies to facilities used to incinerate PCBs required to be incinerated by this part.

(a) Liquid PCBs. An incinerator used for incinerating PCBs shall be approved by an EPA Regional Administrator or the Director, Exposure Evaluation Division pursuant to paragraph (d) of this section. Requests for approval of incinerators to be used in more than one region must be submitted to the Director, Exposure Evaluation Division, except for research and development involving less than 500 pounds of PCB material (see 40 CFR 761.60(i)(2)). Requests for approval of incinerators to be used in only one region must be submitted to the appropriate Regional Administrator. The incinerator shall meet all of the requirements specified in paragraphs (a)(1) through (9) of this section, unless a waiver from these requirements is obtained pursuant to paragraph (d)(5) of this section. In addition, the incinerator shall meet any other requirements which may be prescribed pursuant to paragraph (d)(4) of this section.

(b) Nonliquid PCBs. An incinerator used for incinerating nonliquid PCBs, PCB Articles, PCB Equipment, or PCB Containers shall be approved by the appropriate EPA Regional Administrator or the Director, Exposure Evaluation Division pursuant to paragraph (d) of this section. Requests for approval of incinerators to be used in more than one region must be submitted to the Director, Exposure Evaluation Division, except for research and development involving less than 500 pounds of PCB material (see 40 CFR 761.60(i)(2)). Requests for approval of incinerators to be used in only one region must be submitted to the appropriate Regional Administrator. The incinerator shall meet all of the requirements specified in paragraphs (b)(1) and (2) of this section unless a waiver from these requirements is obtained pursuant to paragraph (d)(5) of this section. In addition, the incinerator shall meet any other requirements that may be prescribed pursuant to paragraph (d)(4) of this section.

(d) Approval of incinerators. Prior to the incineration of PCBs and PCB Items, the owner or operator of an incinerator shall receive the written approval of the Agency Regional Administrator for the region in which the incinerator is located, or the

Table 8
Toxic Substances Control Act

Part 1. Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions (con't.)

References
40 CFR 761.70 (con't.)

Director, Exposure Evaluation Division. Approval from the Director, Exposure Evaluation Division may be effective in all ten EPA regions. Such approval shall be obtained in the following manner:

(1) Application. The owner or operator shall submit to the Regional Administrator or the Director, Exposure Evaluation Division an application which contains:

(i) The location of the incinerator.

(ii) A detailed description of the incinerator including general site plans and design drawings of the incinerator.

(iii) Engineering reports or other information on the anticipated performance of the incinerator.

(iv) Sampling and monitoring equipment and facilities available.

(v) Waste volumes expected to be incinerated.

(vi) Any local, State, or Federal permits or approvals.

(vii) Schedules and plans for complying with the approval requirements of this regulation.

(2) Trial burn.

(i) Following receipt of the application described in paragraph (d)(1) of this section, the Regional Administrator or the Director, Exposure Evaluation Division shall determine if a trial burn is required and notify the person who submitted the report whether a trial burn of PCBs and PCB Items must be conducted. The Regional Administrator or the Director, Exposure Evaluation Division may require the submission of any other information that the Regional Administrator or the Director, Exposure Evaluation Division finds to be reasonably necessary to determine the need for a trial burn. Such other information shall be restricted to the types of information required in paragraphs (d)(1)(i) through (vii) of this section.

Table 8
Toxic Substances Control Act

Part 1. Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions (con't.)

References
40 CFR 761.70 (con't.)

(ii) If the Regional Administrator or the Director, Exposure Evaluation Division determines that a trial burn must be held, the person who submitted the report described in paragraph (d)(1) of this section shall submit to the Regional Administrator or the Director, Exposure Evaluation Division a detailed plan for conducting and monitoring the trial burn. At a minimum, the plan must include:

(A) Date trial burn is to be conducted.

(B) Quantity and type of PCBs and PCB Items to be incinerated.

(C) Parameters to be monitored and location of sampling points.

(D) Sampling frequency and methods and schedules for sample analyses.

(E) Name, address, and qualifications of persons who will review analytical results and other pertinent data, and who will perform a technical evaluation of the effectiveness of the trial burn.

(iii) Following receipt of the plan described in paragraph (d)(2)(ii) of this section, the Regional Administrator or the Director, Exposure Evaluation Division will approve the plan, require additions or modifications to the plan, or disapprove the plan. If the plan is disapproved, the Regional Administrator or the Director, Exposure Evaluation Division will notify the person who submitted the plan of such disapproval, together with the reasons why it is disapproved. That person may thereafter submit a new plan in accordance with paragraph (d)(2)(ii) of this section. If the plan is approved (with any additions or modifications which the Regional Administrator or the Director, Exposure Evaluation Division may prescribe), the Regional Administrator or the Director, Exposure Evaluation Division will notify the person who submitted the plan of the approval. Thereafter, the trial burn shall take place at a date and time to be agreed upon between the Regional Administrator or the Director, Exposure Evaluation Division and the person who submitted the plan.

(3) Other information. In addition to the information contained in the report and plan described in paragraphs (d)(1) and (2) of this section, the Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances may require the owner or operator to submit any other information that the Regional Administrator or the Assistant

	Administrator for Pesticides and Toxic Substances finds to be reasonably necessary to determine whether an incinerator shall be approved. Note: The Regional Administrator will have available for review and inspection an Agency manual containing information on sampling methods and analytical procedures for the parameters required in 40 CFR 761.70(a)(3), (4), (6), and (7) plus any other parameters he/she may determine to be appropriate. Owners or operators are encouraged to review this manual prior to submitting any report required in 40 CFR 761.70.
References 40 CFR 761.70 (con't.)	(5) Waivers. An owner or operator of the incinerator may submit evidence to the Regional Administrator or the Director, Exposure Evaluation Division that operation of the incinerator will not present an unreasonable risk of injury to health or the environment from PCBs, when one or more of the requirements of paragraphs (a) and/or (b) of section are not met. On the basis of such evidence and any other available information, the Regional Administrator or the Director, Exposure Evaluation Division may in his/her discretion find that any requirement of paragraphs (a) and (b) of this section is not necessary to protect against such a risk, and may waive the requirements in any approval for that incinerator. Any finding and waiver under this paragraph must be stated in writing and included as part of the approval. (8) Transfer of property. Any person who owns or operates an approved incinerator must notify EPA at least 30 days before transferring ownership in the incinerator or the property it stands upon, or transferring the right to operate the incinerator. The transferor must also submit to EPA, at least 30 days before such transfer, a notarized affidavit signed by the transferee which states that the transferee will abide by the transferor's EPA incinerator approval. Within 30 days of receiving such notification and affidavit, EPA will issue an amended approval substituting the transferee's name for the transferor's name, or EPA may require the transferee to apply for a new incinerator approval. In the latter case, the transferee must abide by the transferor's EPA approval until EPA issues the new approval to the transferee.
References 40 CFR 761.75	**Chemical Waste Landfills.** (c) Approval of chemical waste landfills. Prior to the disposal of any PCBs and PCB Items in a chemical waste landfill, the owner or operator of the landfill shall receive written approval of the Agency Regional Administrator for the Region in which the landfill is located. The approval shall be obtained in the following manner: (1) Initial report. The owner or operator shall submit to the Regional Administrator an initial report which contains:

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Toxic Substances Control Act

Part 1. Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions (con't.)

References
40 CFR 761.75 (con't.)

(i) The location of the landfill.

(ii) A detailed description of the landfill including general site plans and design drawings.

(iii) An engineering report describing the manner is which the landfill complies with the requirements for chemical waste landfills specified in paragraph (b) of {40 CFR 761.75}.

(iv) Sampling and monitoring equipment and facilities available.

(v) Expected waste volumes of PCBs.

(vi) General description of waste materials other than PCBs that are expected to be disposed of in the landfill.

(vii) Landfill operations plan as required in paragraph (b) of this section.

(viii) Any local, State, or Federal permits or approvals.

(ix) Any schedules or plans for complying with the approval requirements of these regulations.

(2) Other information. In addition to the information contained in the report described in paragraph (c)(1) of this section, the Regional Administrator may require the owner or operator to submit any other information that the Regional Administrator finds to be reasonably necessary to determine whether a chemical waste landfill should be approved. Such other information shall be restricted to the types of information required in paragraphs (c)(1)(i) through (ix) of this section.

(7) Transfer of property. Any person who owns or operates an approved chemical waste landfill must notify EPA at least 30 days before transferring ownership in the property or transferring the right to conduct the chemical waste landfill operation. The transferor must also submit to EPA, at least 30 days before such transfer, a notarized affidavit signed by the transferee which states that the transferee will abide by the transferor's EPA chemical waste landfill approval. Within 30 days of receiving such notification and affidavit, EPA will issue an amended approval substituting the transferee's name for the transferor's name, or EPA may require the transferee to apply for a new chemical waste landfill

approval. In the latter case, the transferee must abide by the transferor's EPA approval until EPA issues the new approval to the transferee.

References
40 CFR 761.125

Requirements for PCB Spill Cleanup

(a) General. Unless expressly limited, the reporting, disposal, and precleanup sampling requirements in paragraphs (a)(1) through (3) of this section apply to all spills of PCBs at concentrations of 50 ppm or greater which are subject to decontamination requirements under TSCA, including those spills listed under 40 CFR 761.120(b) which are excluded from the cleanup standards at paragraphs (b) and (c) of this section.

(1) Reporting requirements. The reporting in paragraphs (a)(1)(i) through (iv) of this section is required in addition to applicable reporting requirements under the Clean Water Act (CWA) or the Comprehensive Environmental Response Compensation and Liability Act of 1980 (CERCLA). For example, under the National Contingency Plan all spills involving 10 pounds or more by weight of PCBs must currently be reported to the National Response Center (1-800-424-8802). The requirements in paragraphs (a)(1)(i) through (iv) of this section are designed to be consistent with existing reporting requirements to the extent possible so as to minimize reporting burdens on governments as well as the regulated community.

References
40 CFR 761.125 (con't.)

(i) Where a spill directly contaminates surface water, sewers, or drinking water supplies, as discussed under 40 CFR 761.120(d), the responsible party shall notify the appropriate EPA regional office (the Office of Pesticides and Toxic Substances Branch) and obtain guidance for appropriate cleanup measures in the shortest possible time after discovery, but in no case later than 24 hours after discovery.

(ii) Where a spill directly contaminates grazing lands or vegetable gardens, as discussed under 40 CFR 761.120(d), the responsible party shall notify the appropriate EPA regional office (the Office of Pesticides and Toxic Substances Branch) and proceed with the immediate requirements specified under paragraph (b) or (c) of this section, depending on the source of the spill, in the shortest possible time after discovery, but in no case later than 24 hours after discovery.

(iii) Where a spill exceeds 10 pounds of PCBs by weight and is not addressed in paragraph (a)(1)(i) or (ii) of this section, the responsible party will notify the appropriate EPA regional office (Pesticides and Toxic Substances

Part 1. Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions (con't.)

References
40 CFR 761.125 (con't.)

Branch) and proceed to decontaminate the spill area in accordance with this TSCA policy in the shortest possible time after discovery, but in no case later than 24 hours after discovery.

(iv) Spills of 10 pounds or less, which are not addressed in paragraph (a)(1)(i) or (ii) of this section, must be cleaned up in accordance with this policy (in order to avoid EPA enforcement liability), but notification of EPA is not required.

(3) Records and certification. At the completion of cleanup, the responsible party shall document the cleanup with records and certification of decontamination. The records and certification must be maintained for a period of 5 years. The records and certification shall consist of the following:

(i) Identification of the source of the spill (e.g., type of equipment).

(ii) Estimated or actual date and time of the spill occurrence.

(iii) The date and time cleanup was completed or terminated (if cleanup was delayed by emergency or adverse weather: the nature and duration of the delay).

(iv) A brief description of the spill location.

(v) Precleanup sampling data used to establish the spill boundaries if required because of insufficient visible traces, and a brief description of the sampling methodology used to establish the spill boundaries.

(vi) A brief description of the solid surfaces cleaned and of the double wash/rinse method used.

(vii) Approximate depth of soil excavation and the amount of soil removed.

(viii) A certification statement signed by the responsible party stating that the cleanup requirements have been met and that the information contained in the record is true to the best of his/her knowledge.

References
40 CFR 761.125 (con't.)

(ix) While not required for compliance with this policy, the following information would be useful if maintained in the records:

(A) Additional pre- or post-cleanup sampling.

(B) The estimated cost of the cleanup by man-hours, dollars, or both.

(c) Requirements for cleanup of high-concentration spills and low-concentration spills involving 1 pound or more PCBs by weight (270 gallons or more of untested mineral oil). Cleanup of low-concentration spills involving 1 lb. or more PCBs by weight and of all spills of materials other than low-concentration materials shall be considered complete if all of the immediate requirements, cleanup standards, sampling, and recordkeeping requirements of paragraphs (c)(1) through (5) of this section are met.

(1) Immediate requirements. The four actions in paragraphs (c)(1)(i) through (iv) of this section must be taken as quickly as possible and within no more than 24 hours (or within 48 hours for PCB Transformers) after the responsible party was notified or became aware of the spill, except that actions described in paragraphs (c)(1)(ii) through (iv) of this section can be delayed beyond 24 hours if circumstances (e.g., civil emergency, hurricane, tornado, or other similar adverse weather conditions, lack of access due to physical impossibility, or emergency operating conditions) so require for the duration of the adverse conditions. The occurrence of a spill on a weekend or overtime costs are not acceptable reasons to delay response. Owners of spilled PCBs who have delayed cleanup because of these types of circumstances must keep records documenting the fact that circumstances precluded rapid response.

(i) The responsible party shall notify the EPA regional office and the NRC as required by 40 CFR 761.125(a)(1) or by other applicable statutes.

(ii) The responsible party shall effectively cordon off or otherwise delineate and restrict an area encompassing any visible traces plus a 3-foot buffer and place clearly visible signs advising persons to avoid the area to minimize the spread of contamination as well as the potential for human exposure.

(iii) The responsible party shall record and document the area of visible contamination, noting the extent of the visible trace areas and the center of the visible trace area. If there are no visible traces, the responsible party

Table 8
Toxic Substances Control Act

Part 1. Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions (con't.)

shall record this fact and contact the regional office of the EPA for guidance in completing statistical sampling of the spill area to establish spill boundaries.

(iv) The responsible party shall initiate cleanup of all visible traces of the fluid on hard surfaces and initiate removal of all visible traces of the spill on soil and other media, such as gravel, sand, oyster shells, etc.

References
40 CFR 761.180

General Records and Reports - Records and Monitoring

(b) (3) The owner or operator of a PCB disposal or commercial storage facility shall submit an annual report, which briefly summarizes the records and annual document log required to be maintained and prepared under paragraphs (b)(1) and (b)(2) of 40 CFR 761.180, to the Regional Administrator of the EPA region in which the facility is located by July 15 of each year, beginning with July 15, 1991. The first annual report submitted on July 15, 1991, shall be for the period starting February 5, 1990 and ending December 31, 1990. The annual report shall contain no confidential business information. The annual report shall consist of the following information:

(i) The name, address, EPA identification number of the facility covered by the annual report for the calendar year.

References
40 CFR 761.180 (con't.)

(ii) A list of the numbers of all signed manifests of PCB waste initiated or received by the facility during that year.

(iii) The total weight in kilograms of bulk PCB waste, PCB waste in PCB Transformers, PCB waste in PCB Large High or Low Voltage Capacitors, PCB waste in PCB Article Containers, and PCB waste in PCB Containers in storage at the facility at the beginning of the calendar year, received or generated at the facility, transferred to another facility, or disposed of at the facility during the calendar year. The information must be provided for each of these categories, as appropriate.

(iv) The total number of PCB Transformers, the total number of PCB Large High or Low Voltage Capacitors, the total number of PCB Article Containers, and the total number of PCB Containers in storage at the facility at the beginning of the calendar year, received or generated at the facility, transferred to another facility, or disposed of at the facility during the calendar year. The information must be provided for each of these categories, as appropriate.

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	(v) The total weight in kilograms of each of the following PCB categories: bulk PCB waste, PCB waste in PCB Transformers, PCB waste in PCB Large High or Low Voltage Capacitors, PCB waste in PCB Article Containers, and PCB waste in PCB Containers remaining in storage for disposal at the facility at the end of the calendar year. (vi) The total number of PCB Transformers, the total number of PCB Large High or Low Voltage Capacitors, the total number of PCB Article Containers, and the total number of PCB Containers remaining in storage for disposal at the facility at the end of the calendar year. The requirement to submit annual reports to the Regional Administrator continues until the submission of the annual report for the calendar year during which the facility ceases PCB storage or disposal operations. Storage operations have not ceased until all PCB waste, including any PCB waste generated during closure, has been removed from the facility. (4) Whenever a commercial storer of PCB waste accepts PCBs or PCB Items at his storage facility and transfers the PCB waste off-site to another facility for storage or disposal, the commercial storer of PCB waste shall initiate a manifest under Subpart K of 40 CFR Part 761 for the transfer of PCBs or PCB Items to the next storage or disposal facility. Note: Any requirements for weights in kilograms of PCBs may be calculated values if the internal volume of PCBs in containers and transformers is known and included in the reports, together with any assumptions on the density of the PCBs contained in the containers or transformers. If the internal volume of PCBs is not known, a best estimate may be used.
References 40 CFR 761.180 (con't.)	
References 40 CFR 761.202	**PCB Waste Disposal Records and Reports - EPA Identification Numbers** (a) General. Any generator, commercial storer, transporter, or disposer of PCB waste who is required to have an EPA identification number under this subpart must notify EPA of his/her PCB waste handling activities, using the notification procedures and form described in 40 CFR 761.205. EPA will confirm the EPA identification number of facilities already assigned one, and will assign an EPA identification number to facilities that do not have one.
References 40 CFR 761.205	**Notification of PCB Waste Activity (EPA Form 7710-53)**

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References
40 CFR 761.205 (con't.)

(a) (1) All commercial storers, transporters, and disposers of PCB waste who were engaged in PCB waste handling activities on or prior to February 5, 1990 shall notify EPA of their PCB waste activities by filing EPA Form 7710-53 with EPA by no later than April 4, 1990. Upon receiving the notification form, EPA will assign an EPA identification number to each entity that notifies.

(2) All generators (other than generators exempt from notification under paragraph (c)(1) of this section), commercial storers, transporters, and disposers of PCB waste who first engage in PCB waste handling activities after February 5, 1990, shall notify EPA of their PCB waste activities by filing EPA Form 7710-53 with EPA prior to engaging in PCB waste handling activities.

(3) Any person required to notify EPA under this section shall file with EPA Form 7710-53. Copies of EPA Form 7710-53 are available from the Operations Branch (TS-798), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St. SW, Washington, DC 20460. Descriptive information and instructions for filling in the form are included in paragraphs (a)(4)(i) through (vii) of this section.

(4) All of the following information shall be provided to EPA on Form 7710-53:

(i) The name of the facility, and the name of the owner or operator of the facility.

(ii) EPA identification number, if any, previously issued to the facility.

(iii) The facility's mailing address.

(iv) The location of the facility.

(v) The facility's installation contact and telephone number.

(vi) The type of PCB waste activity engaged in at the facility.

(vii) Signature of the signer of the certification statement, typed or printed name and official title of signer, and date signed.

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References
40 CFR 761.205 (con't.)

(viii) EPA has determined that the information in paragraphs (a)(4)(i) through (a)(4)(vii) of this section shall not be treated as confidential business information. This information will be disclosed to the public without further notice to the submitter unless the submitter provides a written justification (submitted with the notification form) which demonstrates extraordinary reasons why the information should be entitled to confidential treatment.

(b) Generators (other than those generators exempt from notification under paragraph (c)(1) of this section), commercial storers, transporters, and disposers of PCB waste who have previously notified EPA or a State of hazardous waste activities under RCRA shall notify EPA of their PCB waste activities under this part by filing EPA Form 7710-53 with EPA by no later than April 4, 1990. The notification shall include the EPA identification number previously issued by EPA or the State and upon receipt of the notification, EPA shall verify and authorize the use of the previously issued identification number for PCB waste activities.

(c) (1) Generators of PCB waste need not notify EPA and receive unique EPA identification numbers under this section, unless their PCB waste activities are described in paragraph (c)(2) of this section. Generators exempted from notifying EPA under this paragraph shall use the generic identification number "40 CFR PART 761" on the manifests, records, and reports which they shall prepare under this subpart, unless such generators elect to use a unique EPA identification number previously assigned to them under RCRA by EPA or a State.

(2) Generators of PCB waste who use, own, service, or process PCBs or PCB Items shall notify EPA of their PCB waste activities only if they own or operate PCB storage facilities subject to the storage requirements of CFR 40 761.65(b) or (c)(7). Such generators shall notify EPA in the following manner:

(i) Generators storing PCB waste subject to the storage requirements of CFR 40 761.65(b) or (c)(7) shall notify EPA by filing EPA Form 7710-53 with EPA by no later than April 4, 1990.

(ii) Generators who desire to commence storage of PCB waste after February 5, 1990 shall notify EPA and receive an EPA identification number before they may commence storage of PCBs at their facilities established under CFR 40 761.65(b) or (c)(7).

(iii) A separate notification shall be submitted to EPA for each PCB storage facility owned or operated by generators

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of PCB waste. Upon receiving these notifications, EPA will assign generators unique EPA identification numbers for each storage facility notifying EPA under this section.

(d) Persons required to notify under this section shall file EPA Form 7710-53 with EPA by mailing the form to the following address: Chief, Operations Branch (TS-798), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Room NE-117, 401 M Street, SW, Washington, DC 20460.

References
40 CFR 761.208

Use of the Manifest

(a) (1) The generator of PCB waste shall:

(i) Sign the manifest certification by hand.

(ii) Obtain the handwritten signature of the initial transporter and date of acceptance on the manifest.

(iii) Retain one copy among its records in accordance with CFR 40 761.209(a).

(iv) Give to the transporter the remaining copies of the manifest that will accompany the shipment of PCB waste.

(2) For bulk shipments of PCB waste within the United States transported solely by water, the generator shall send three copies of the manifest dated and signed in accordance with this section directly to the owner or operator of the designated commercial storage or disposal facility. Copies of the manifest are not required for each transporter.

References
40 CFR 761.208 (con't.)

(3) For rail shipments of PCB waste within the United States which originate at the site of generation, the generator shall send at least three copies of the manifest dated and signed in accordance with this section to:

(i) The next non-rail transporter, if any.

(ii) The designated commercial storage or disposal facility if transported solely by rail.

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(4) When a generator has employed an independent transporter to transport the PCB waste to a commercial storer or disposer, the generator shall confirm by telephone, or by other means of confirmation agreed to by both parties, that the commercial storer or disposer actually received the manifested waste. The generator shall confirm receipt of the waste by close of business the day after he receives the manifest hand-signed by the commercial storer or disposer, in accordance with paragraph (c)(1)(iv) of {40 CFR 761.208}. If the generator has not received the hand-signed manifest within 35 days after the independent transporter accepted the PCB waste, the generator shall telephone, or communicate with by some other agreed-upon means, the disposer or commercial storer to determine whether the PCB waste has actually been received. If the PCB waste has not been received, the generator shall contact the independent transporter to determine the disposition of the PCB waste. If the generator has not received a hand-signed manifest from an EPA-approved facility within 10 days from the date of the telephone call or other agreed upon means of communication, to the independent transporter, the generator shall submit an Exception Report to the EPA Regional Administrator for the Region in which the generator is located, as specified in 40 CFR 761.215. The generator shall retain a written record of all telephone or other confirmations to be included in the annual document log, in accordance with 40 CFR 761.180.

References
40 CFR 761.211

Unmanifested Waste Report

(a) After April 4, 1990, if a PCB commercial storage or disposal facility receives any shipment of PCB waste from an off-site source without an accompanying manifest or shipping paper (where required in place of a manifest), and any part of the shipment consists of any PCB waste regulated for disposal, then the owner or operator of the commercial storage or disposal facility shall attempt to contact the generator, using information supplied by the transporter, to obtain a manifest or to return the PCB waste.

References
40 CFR 761.211 (con't.)

(b) If the owner or operator of the commercial storage or disposal facility cannot contact the generator of the PCB waste, he shall notify the Regional Administrator of the EPA region in which his facility is located of the unmanifested PCB waste so that the Regional Administrator can determine whether further actions are required before the owner or operator may store or dispose of the unmanifested PCB waste.

(c) Within 15 days after receiving the unmanifested PCB waste, the owner or operator shall prepare and submit a report to the Regional Administrator for the Region in which the commercial storage or disposal facility is located and to the Regional Administrator for the Region in which the PCB waste originated, if known. The report may be submitted on EPA Form 8700-13B, or by a written letter designated "Unmanifested Waste Report." The report shall include the following information:

(1) The EPA identification number, name, and address of the PCB commercial storage or disposal facility.

(2) The date the commercial storage or disposal facility received the unmanifested PCB waste.

(3) The EPA identification number, name, and address of the generator and transporter, if available.

(4) A description of the type and quantity of the unmanifested PCB waste received at the facility.

(5) A brief explanation of why the waste was unmanifested, if known.

(6) The disposition made of the unmanifested waste by the commercial storage or disposal facility, including:

(i) If the waste was stored or disposed by that facility, was the generator identified and was a manifest subsequently supplied.

(ii) If the waste was sent back to the generator, why and when.

References
40 CFR 761.215

Exception Reporting

(a) A generator of PCB waste, who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated PCB commercial storage or disposal facility within 35 days of the date the waste was accepted by the initial transporter, shall immediately contact the transporter and/or the owner or operator of the designated facility to determine the status of the PCB waste.

References
40 CFR 761.215 (con't.)

(b) A generator of PCB waste shall submit an Exception Report to the Regional Administrator for the Region in which the generator is located if the generator has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter. The Exception Report shall include the following:

(1) A legible copy of the manifest for which the generator does not have confirmation of delivery.

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References
40 CFR 761.215 (con't.)

(2) A cover letter signed by the generator or his authorized representative explaining the efforts taken to locate the PCB waste and the results of those efforts.

(c) A disposer of PCB waste shall submit a One-year Exception Report to the Regional Administrator for the Region in which the disposal facility is located whenever the following occurs:

(1) The disposal facility receives PCBs or PCB Items on a date more than 9 months from the date the PCBs or PCB Items were removed from service for disposal, as indicated on the manifest or continuation sheet.

(2) Because of contractual commitments or other factors affecting the facility's disposal capacity, the disposer of PCB waste could not dispose of the affected PCBs or PCB Items within 1 year of the date of removal from service for disposal.

(d) A generator or commercial storer of PCB waste who manifests PCBs or PCB Items to a disposer of PCB waste shall submit a One-year Exception Report to the Regional Administrator for the Region in which the generator or commercial storer is located whenever the following occurs:

(1) The generator or commercial storer transferred the PCBs or PCB Items to the disposer of PCB waste on a date within 9 months from the date of removal from service for disposal of the affected PCBs or PCB Items, as indicated on the manifest or continuation sheet; and

(2) The generator or commercial storer either has not received within 13 months from the date of removal from service for disposal a Certificate of Disposal confirming the disposal of the affected PCBs or PCB Items, or the generator or commercial storer receives a Certificate of Disposal confirming disposal of the affected PCBs or PCB Items on a date more than 1 year after the date of removal from service.

(e) The One-year Exception Report shall include:

(1) A legible copy of any manifest or other written communication relevant to the transfer and disposal of the affected PCBs or PCB Items.

(2) A cover letter signed by the submitter or an authorized representative explaining:

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(i) The date(s) when the PCBs or PCB Items were removed from service for disposal.

(ii) The date(s) when the PCBs or PCB Items were received by the submitter of the report, if applicable.

(iii) The date(s) when the affected PCBs or PCB Items were transferred to a designated disposal facility.

(iv) The identity of the transporters, commercial storers, or disposers known to be involved with the transaction.

(v) The reason, if known, for the delay in bringing about the disposal of the affected PCBs or PCB Items within 1 year from the date of removal from service for disposal.


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RCRA/CERCLA DIVISION (EH-413)